Study on Administration of Higher Education According to Law in Our Country

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ABSTRACT

With the deepening of China's reform and opening up and the enlarging enrollment of higher education institutions, the status and role of higher education in our country are increasingly important. In the process of management, the higher education needs to follow more requirements and systems [1]. In this paper, we mainly discuss the issue of China's higher education from the perspective of the legal system. From the perspective of the rule of law, this paper analyzes the status quo of the system of governing the university according to law in colleges and universities, points out many problems existing in the construction of the system of managing the university according to law, and then proposes the feasible suggestions for solving the problems.

KEYWORDS
    Higher Education. Law. Management.

INTRODUCTION

The system of governing a school according to law can be broadly divided into two categories according to the main body of the formulation and the contents of the norms: the external system and the internal system. External system refers to the legal norms applicable to education, administration or management formulated by the relevant state organs or departments. Internal system refers to the rules and regulations applicable to the administration or management of colleges and universities. In this article, the system construction in governing the school according to law mainly refers to the establishment of the school itself, which mainly includes three aspects: the teacher employment system, the student management system and the operation of the various departments of the university. It is of great significance to strengthen the system of governing the university according to law in the school management [2].

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PROBLEMS EXISTING IN THE STUDY OF LAW-BASED MANAGEMENT OF HIGHER EDUCATION IN OUR COUNTRY

Although the institution construction of institutions of higher learning in our country has entered a normal orbit, it still lags behind the need of modern university management and construction as a whole, and there are various problems both in terms of formulation and implementation of the system. Here are four main problems in the study of law-based management of higher education in our country, and then propose corresponding solutions to these problems.

The conflict of rationality and legitimacy

Legitimacy is the fundamental principle in the school management process, and it is also the minimum behavioral requirement for disciplinary execution in school education. It requires the formulation of school rules and regulations should first comply with the relevant provisions of laws and regulations, does not violate the corresponding legal requirements, does not exceed the scope of its legal authority, and exercise its rights according to law. Reasonably requires that it not only in the form of legal, but also in the content of fairness, in line with the requirements of rationality, does not violate the normal.

School rules and the basic law in conflict

From a legal point of view, the relationship between national laws and regulations. However, when schools re-frame and extend the relevant national laws and regulations as the basic basis for their internal student management, schools fail to fully consider whether they violate relevant state regulations and thus unduly expand the application of school rules The scope improperly increases the adjustment measures of school rules and unduly limits or even deprives students of their legitimate rights and interests. For example, many colleges and universities in our country have rigid rules: All students are punished while they are in school and will not be granted a degree certificate. This means that degree and moral level "linked." According to the State Council promulgated the most authoritative "Regulations of the People's Republic of China," the provisions of national laws and regulations did not grant the degree with the moral level of students connect together [3]. In fact, the degree certificate is only a mark of the education of educators to achieve a certain standard of academic credentials.

System of rights and responsibilities clear system has not yet formed

First, the system is not standardized. Vague terms, unclear responsibilities, unequal rights and responsibilities, the actual effectiveness of the system is low. Second, the system is incomplete. Often heavy responsibilities light rights, re-recognition of light measures, re-restriction of light punishment, re-enactment of light implementation. Third, the system is incomplete. The lack of related systems supporting the system, the lack of necessary support for the system.
Law enforcement supervision mechanism is not perfect

The inadequate law enforcement supervision mechanism is mainly reflected in the following aspects:

(1) The content of supervision is not comprehensive. In the supervision of the rules and regulations of some schools, some schools only overemphasize the supervision of their creation links, while the supervision of their implementation links lacks specific mechanisms to protect them. The so-called supervision can only be heard about year-end "official style." Report ", do not go deep into the specific operation process, it is difficult to find and correct problems and mistakes.

(2) The main body of supervision is not clear. Some schools also have some seemingly abundant regulations on the supervision of rules and regulations: what matches with what and what is the same with what is often all-encompassing, but only nominal. In the legal field of vision, supervision and determination of the subject and determine the authority is linked together, the lack of a clear subject and authority, either the real no supervision, or under the supervision of everyone in the name of essentially no supervision.

(3) The supervision procedure is not clear and clear. Although some schools also gave the supervisory authority such as the congressional council, they did not have any specific provisions on supervisory procedures. As a result, the supervisory organ appeared to be overstretched without any supervise and finally embarrassing situation [4].

THE CAUSE OF THE PROBLEM OF RULING SCHOOL BY LAW IN COLLEGES AND UNIVERSITIES

The concept of legal system weak

In the leadership system and management system of colleges and universities, the management methods are still mainly based on administrative means, and the management is only based on "policy", "experience" and "administrative power". Due to the lack of legal mechanisms, eventually leading to the "rule of man" phenomenon. Some colleges and universities have emerged from the spirit of the rule of law in the construction of spiritual civilization, the students fall in love, damage flowers and trees lawn, spit everywhere Sputum and other acts, candid photo into a "show public" or secretly video playback. Although the motives of these practices cannot be said to be bad, they are contrary to the spirit of the rule of law in modern life and are typical "rule of man" behavior.

Democracy is missing

Democracy is the cornerstone of the university's rule of law. Without democracy, the rule of law in universities lacks soil and climate. At present, the autonomy of universities is poor, the system is rigid, the propensity to rule by man in internal management is very serious, the policy of "making a speech" and "official standard" tend to be serious. Administratively leading academic, academic becoming the vassal of administration, academic freedom and democracy cannot be achieved. The result of the absence of democracy will ultimately have a serious impact on the development of
a university. When the decision-makers of the university just make decisions based on the energy and knowledge of a few people, they will inevitably have great limitations. More importantly. In the long run, the atmosphere of academic democracy in universities will be seriously affected, the level of academic research will naturally decline, and the quality of students trained will be reduced [5].

THE STRATEGY OF STRENGTHENING THE SYSTEM OF GOVERNING THE UNIVERSITY BY LAW

The popularization of the concept of the rule of law and the enhancement of the awareness of individual rights, the backwardness of the traditional management thoughts and systems make the collision of the old and the new ideas inevitably occur in the practice of the management of colleges and universities, the conflicts of values and rights. The traditional management of colleges and universities is undergoing a profound change that meets the development of the rule of law in the entire country. Faced with this unprecedented challenge to the management of colleges and universities, we must take measures to answer and solve various problems raised in practice with the concept and spirit of the rule of law, establish and continuously improve the system of institutions, standardize the management order of higher education institutions, and respect and Protect students, teachers' rights. Aiming at the problems existing in the study of law-based administration of higher education in our country, the corresponding strategies are summarized and summarized below. The general idea is shown in Table 1 below.

| Question                                      | Strategy                                      | The Existing Problems and Strategies in the Study of Legal Management of Higher Education in China |
|-----------------------------------------------|-----------------------------------------------|------------------------------------------------------------------------------------------------|
| Conflict between rationality and legitimacy  | Strengthen the concept of legal system and awareness of rights protection | School rules and the basic law in conflict and the legitimacy | Law enforcement supervision mechanism is not perfect |
| A clear system of rights and responsibilities has not yet been formed | To strengthen the legality of the system to review | Constructing the Safeguards Mechanism for Supervising the Enforcement of Educational Law in Colleges and Universities | Improve the system of implementation procedures |

TABLE I. Problems and Strategies in the Study of Legal Management of Higher Education in China.
Strengthen the legal system and awareness of rights protection

Administration according to law is the prerequisite and guarantee for governing the school according to law. Educational administrations at all levels should effectively change the ways and means of administration that do not meet the needs of the situation in accordance with the requirements of governing schools according to law, and manage the schools according to the duties, authorities and procedures prescribed by law. In order to urge university administrators to administer according to law, it is necessary to establish a sound supervision mechanism, promote democratic construction and improve democratic supervision.

Strengthen the legality of the system to review

Article 17 of the Regulations on Procedures for Formulating Administrative Regulations clearly stipulates that administrative rules and regulations should be reviewed and the rules and regulations of colleges and universities as normative documents should be subject to strict scrutiny. To strengthen the legitimacy of university system review mainly do the following four aspects: First, the review of the system development process.

Construction of colleges and universities to enforce the supervision and operation of education enforcement mechanism

While doing a good job of law and system guarantee of running the school according to law, we should also pay attention to establishing an effective mechanism for the supervision and operation of the school. The essence of law enforcement supervision in higher education is that it is an important measure to safeguard the unification and dignity of the rule of law by ensuring that the education law that reflects the will of the state can be universally, correctly and effectively practiced.

Improve the system of implementation procedures

The success or failure of a new system depends not only on the design and preparation but on the implementation. The implementation of the system is a key phase of the management of the pros and cons, it can be said that the implementation of the system is the most important to achieve the rule of law in colleges and universities, the implementation of the rules and regulations of the school the same as the implementation of national laws, Equal, there are chapters to be bound. Only when implementation is in place and without any compromise can the principle of rules and regulations be implemented, and all possible, favorable and potential sequencing functions of the rules and regulations can be fully realized.

CONCLUSION

Doing a good job in managing students' affairs according to law can not only be superficially prescribed by law, but also forms of rule of law. More importantly, we must have the "humanistic spirit" of law and strengthen humanistic care in accordance with the law. In the new university student management regulations, we have established the principle of educating people. In order to fully implement this
principle, we must continue our efforts to further promote the humanism in the management concepts and systems of the students, and strengthen the education of the spirit of the rule of law. Concept, innovation student self-management system.

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