

The effective application of thinking learning mode in criminal law teaching

Tan Ming

Law School of Shihezi University, Shihezi, Xinjiang, 832000, China

Abstract: *The development level of education determines the progress potential of a country and a nation in the future. Strengthening teaching research and improving the exploration of learning mode is the inevitable choice to ensure the progress of China's education. Under the unremitting efforts of the vast number of educators, various new teaching methods represented by the thinking learning mode have emerged like bamboo shoots after a spring rain, bringing new possibilities for the teaching work of criminal law. Based on the practical work experience and the basis of a brief introduction of the function of thinking learning mode, this paper studies the effective application strategy of thinking learning mode in the teaching of criminal law.*

Keywords: *Thinking; Legal education; Learning process; Teaching method; Criminal law*

1. Introduction

Throughout the history of human development, education has always been a very important issue. In Greek times, there was a great interest in the way of education, and thinkers like Plato and Aristotle were constantly looking for the best way in theory and basing their own educational system on that. With the rise of Christianity and the fall of feudalism, people in the early Middle Ages began to base their knowledge on theology, and churches began to send students to schools. Some missionary colleges that focus on "common sense", that is, professional colleges, that is, traditional colleges, use rote memorization as the teaching method [1].

Traditional education mode has great shortcomings. Due to the wide application of traditional teaching mode, college classes mainly focus on the transfer of knowledge, while students play the passive role of listeners. Meanwhile, the evaluation and test of students only focus on their memory ability rather than the test of knowledge application ability and thinking ability. At a time when knowledge carriers are no longer a barrier to learning, why does the higher education system still focus on evaluating students' memorization of concepts or phrases through exams? Is short-term memory for textbook knowledge as important and significant as we think it is?

At present, the European education system has redefined the concept of higher education. Through the establishment of the European Higher Education Area, the Bologna Declaration, Prague, Berlin and other conferences, it has developed an educational model based on acquisition, which has achieved a great transformation from simple teaching to comprehensive student learning [2]. The goal of the reform is to promote the training of college students in industry or vocational training, so that their learning is closer to their future job needs, so as to form the horizontal ability and general ability of college graduates in employment, so as to improve the competitiveness of students in the global economic market.

China's legal education research work has a long history, and has indeed achieved considerable stage achievements, training a group of high-quality comprehensive legal talents, but at the same time, it must be noted that most of the legal education work is still in use of the traditional teaching mode, requiring students to rote knowledge points, This has seriously affected the practical effect of criminal law education, and can not provide strong support for students' future career development. In this case, it is obviously of practical significance to study the effective application of thinking learning mode in criminal law teaching.

2. The role of thinking learning mode

The Party and the government attach great importance to the development of China's Education,

starting from the policy system to financial resources and other aspects at the same time, has provided strong support for the progress of Education, especially the introduction of various education work related guidelines, but also points out the direction for the development of teaching work. For example, "Some Opinions of the Ministry of Education on Further deepening the reform of undergraduate teaching and comprehensively improving the quality of teaching", "Opinions of the Ministry of Education on deepening the reform of undergraduate education and comprehensively improving the quality of personnel training", etc., have brought new ideas and support to the progress of higher education, combined with the needs of economic and social development and personnel training goals, On the basis of giving full consideration to the needs of students' career development, curriculum construction and teaching model reform have become the main direction of higher education development in the future. At present, some colleges and universities have begun to reconstruct the curriculum system, improve the operation mechanism of practice, deepen the reform of innovation and entrepreneurship education, and truly deepen the reform of the supply side of college majors, providing strong support for the development of students' comprehensive literacy and the progress of practical ability, so that students can quickly adapt to the job demand and complete their career planning after graduation. In this process, a large number of effective teaching models and learning methods spring up like bamboo shoots, such as problem-based teaching method, case study analysis method, cooperative learning method, practical teaching method, project learning method, etc., are very representative of the new teaching model, which can improve students' learning efficiency and teaching quality to a certain extent. The mind-based learning mode is also one of the more bright research results. Compared with the traditional learning mode, the mind-based learning mode breaks the problem of rote memorization and makes the teaching work no longer confined to the classroom. On the basis of taking students as the main body of teaching work, full consideration is given to the educational work requirements of improving students' understanding ability of knowledge and optimizing students' vocational ability. It ensures the comprehensive development of students' thinking ability, which is of immeasurable value to the growth and progress of students in the future. In addition, the thinking mode of learning also has the function of learning ability integration, enabling students to fully mobilize their own knowledge of various disciplines and abilities in the process of learning, which is crucial to improve the quality of teaching work. It is not difficult to see that, compared with the traditional teaching mode, the mind-based learning mode has more outstanding application value, therefore, it is necessary to further study the application points of the mind-based learning mode in the teaching of criminal law.

3. The effective application of thinking learning mode in criminal law teaching

The course of criminal law has a certain complexity, which has a higher requirement on the level of teaching work. A little mistake may lead to the problem that students' theoretical ability and practical ability can not improve comprehensively and their thinking ability can not be fully developed^[3]. In order to effectively improve the quality of criminal law teaching, it is necessary to combine the specific teaching situation, in-depth research on the thinking learning mode, specifically, the effective application of the thinking learning mode in criminal law teaching key points include:

3.1 A detailed analysis of the course content

The teaching of criminal law is difficult to some extent. Analyzing the course content in the course of teaching can improve students' understanding of what they have learned. From the practical experience of legal education, the reason why its teaching difficulty is far more than other majors is mainly because of the complexity of the legal system itself, which often includes a large number of different department laws, which cooperate and influence each other, and often involve the contents of multiple department laws in the same legal case. This has brought great challenges to students' thinking ability and knowledge application ability. Criminal law, as one of the more complex subjects in the legal system, also has similar composition characteristics, which contains different elements interact with each other, and finally combine together to form the criminal law system. Therefore, in order to improve the teaching quality, teachers must consider the common characteristics of the curriculum content in the process of teaching criminal law. And the course content accurately and refined to the students, on this basis, the correct thinking skills and thinking habits into the teaching system, to ensure that students can complete the learning task on the basis of the establishment of a correct thinking mode, the formation of stable thinking habits. Specifically, in the process of leading students to analyze knowledge points, the teacher can study the constituent content of the criminal law course and estimate the influence of students' discussion on the absence of a certain part of the content. In this way, students

will have an understanding of the interaction between the various components and the importance of different components. For example, in the process of leading students to learn the concept of "harmful behavior", teachers can guide students to think about what consequences will be brought by the absence of any element of physical (objective element), intentional (subjective element) and harmful (substantial element), so as to ensure the development quality of students' thinking ability and ensure the level of criminal law teaching.

3.2 Precise comparison of knowledge content

The teaching of law courses is quite difficult, and there are many similar knowledge points and complex contents that are difficult to understand. In order to solve this problem and improve students' learning ability, teachers can teach by comparing knowledge contents, so as to improve the application effect of thinking learning mode. According to practical work experience, in the process of comparing various research objects, students' understanding of knowledge points will be improved. Even in the process of learning similar knowledge points, students can accurately distinguish and explain the inequality or differences between different research objects, which can be seen in the growth of students' thinking ability. To be specific, in the process of comparing knowledge contents, teachers should guide students to study the similarities and differences of similar knowledge contents, identify the composition of similar and different elements of different knowledge points, and ensure students' understanding of knowledge points and depth of thinking. In addition, it is also necessary to strengthen guidance and ensure students' cognition of the different characteristics among the contrasting factors, so that students can further form their own thinking conclusions, so as to achieve the goal of improving the quality of criminal law teaching. In the future teaching work, it is possible to stimulate students' thinking interest and make students view different knowledge points from the perspective of subjective understanding through precise comparison of knowledge content. For example, in the process of leading students to learn the contents of intentional or negligence, direct negligence and indirect negligence, teachers can guide students to think deeply through comparison^[4]. To help students understand the boundaries between objects and the relationship between them and the final consequences. In the process of leading students to learn specific criminal behaviors such as intentional homicide, involuntary manslaughter, theft, robbery and various forms of bribery, teachers can also help students to grasp the subjective characteristics of each crime more accurately by comparing the differences between specific behaviors, and fundamentally improve the application effect of thinking learning mode in the teaching of criminal law.

3.3 Guide students to make correct decisions

Decision-making is one of the most important skills in the learning process of criminal law. Legal practitioners often need to make the best decision among many choices, so as to ensure that the rights and interests of the parties are not harmed. With the change and development of the litigation system, criminal proceedings are becoming more and more confrontational, and legal workers need to deeply understand the causal relationship between facts and results. And make effective decisions according to legal provisions or legal theories. In other words, the formation of stable decision-making ability determines the realization probability of students' career planning. Therefore, in the future work, it is necessary for teachers to guide students to complete causality analysis and decision-making through thinking learning mode. In fact, correct decision-making is often established on the basis of the causal relationship between the behavior and the results produced, in other words, the final cause of the occurrence of the matter must be studied, in order to make accurate decisions, legal practitioners need to pull out the silk, focus on finding every valuable clues and evidence, and on the basis of the availability of evidence judgment, Understand the process or reason of what has happened, and draw conclusions and make accurate decisions on the basis of proving causality. In the course of teaching, teachers also need to follow this thinking process and mode, give full play to the positive role of practical teaching, guide students in the process of analyzing actual cases and simulating the actual process, ensure that students think about the causality of the case, so that they can make decisions based on repeated exploration and demonstration, and after students finish the whole learning task, Provide timely support for students, correct the shortcomings of their way of thinking, and then improve the ability of students to analyze causality and make correct decisions, and provide strong support for students to better complete their career planning in the future.

3.4 Analysis and prediction of criminal consequences

In addition to the application points mentioned above, the effective application of thinking learning mode in the teaching of criminal law can also be reflected in guiding students to analyze and predict criminal consequences. Prediction of criminal consequences is one of the contents that should be taught to students in the course of criminal law, as well as the ability that a legal practitioner must have. The so-called prediction of consequences refers to the judgment and speculation of what is about to happen according to certain behaviors and rules, and to judge whether you can act in a certain way on the basis of clearly knowing the possible consequences. The whole process of prediction is very complicated. Even meteorology, a very mature natural science with practical parameters to be compared, cannot guarantee the accuracy of prediction results 100%. It still has a certain error rate, mainly because the prediction needs to involve the comprehensive consideration of many factors. A slight change in any one factor will have an inestimable impact on the final outcome, and legal practitioners must make a more beneficial choice for themselves and make the most accurate prediction on the basis of a comprehensive variety of factors and regulations under such circumstances. This obviously has a very high requirement on students' thinking ability. Therefore, in the process of teaching criminal law, teachers must take measures to guide students to analyze the possible consequences of each choice. On the basis of understanding the beneficial, disadvantages and relevance of different decisions, they must study the probability of the possible consequences and the harm brought by them. Only in this way can we grasp the main influencing factors in the intricate influencing factors and ensure the correctness of decision-making and the affordability of behavioral consequences. In other words, teachers need to break the restrictions of the traditional teaching mode and return the subject status of students as the thinking learning mode to them, so that they can actively participate in the prediction of criminal consequences under the effective guidance of teachers. For example, some teachers begin to apply cooperative teaching measures in the teaching of criminal law. On the basis of grouping students, Assigning after-class tasks with exploratory value to students requires them to predict the final judgment results of different cases on the basis of analyzing cases and legal provisions, which improves students' thinking ability and voluntary learning to a certain extent. On this basis, in the course of classroom teaching, student representatives are encouraged to interpret the distributed cases and explain the results of group research. On this basis, teachers give simple instructions and key guidance, which can improve students' ability to predict criminal consequences. In addition, giving full play to the advantages of information technology and guiding students to collect and view the case judgment process on the network platform can also play a role in improving students' ability to predict criminal consequences.

4. Conclusion

Criminal jurisprudence, as an important part of the legal system, has a series of characteristics of jurisprudence. For example, the constitution of the legal system itself is very complex and the teaching difficulty is very high. Criminal jurisprudence also has similar problems. All of them are important topics that educators must study. The rational application of thinking learning mode can fundamentally improve students' legal thinking level, make students form correct thinking process and rigorous thinking habits, and have an immeasurable positive effect on improving the quality of criminal law teaching.

References

- [1] Liu Dan. *On the Construction of Criminal Law Case Base and Application of Case Teaching Method* [J]. *Journal of Harbin Polytechnic*, 2022(03).
- [2] Zhao Xuejun. *Exploration on Teaching Reform of "Criminal Law" under "Internet + Curriculum Ideology and Politics"* [J]. *Journal of Kashgar University*, 2021(02)
- [3] Lu Jing. *New Ideas of Criminal Law Teaching Reform in the New Era* [J]. *Science and Technology Information*, 2020(05)
- [4] Jiang Wei. *The Problem Reflection and Improvement Path of Legal Education in the Reform of Rule of Law* [J]. *Journal of Yanbian Institute of Education*, 2019(06)