



# Study on the Current Situation of Legal Education of College Students from the Perspective of Tort Liability of "Civil Code"

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**Abstract.** Mainly selected the "civil code" tort liability law which is closely linked with the college students to design survey questionnaire, the two universities in Anhui province college students as the research object through the questionnaire star for a month of questionnaire investigation and study, a research about the present situation of university students' education of law, the final data sorting and analysis of the research results. Although through the investigation found the current college students in terms of good education under the rule of law, but through the data analysis also found some problems existing in the current university students' education of law, such as: 5% to 10% consciousness of college students' lack of legal responsibility, about 7% of college students lack consciousness of environmental legal liability, some college students cannot will legal responsibility (Who is responsible for the law), Some college students have insufficient awareness of protecting their legal rights and interests.

**Keywords:** Colleges and universities; College students; Legal education; The law; Tort liability

## 1 Introduction and background

The construction and development of legal education in colleges and universities is related to the development of moral, intellectual, physical, aesthetic and labor of every college student, the improvement of the overall development quality of college students, the practical significance of talent development in the 21st century, and the construction and development of China under the rule of law in the new era. The thesis mainly focused on the one-month investigation on the implementation status of the rule of law education in colleges and universities, combined with the relevant provisions of tort liability law in the Civil Code of the People's Republic of China, and

selected the legal provisions of China's Civil Code closely related to the life and study of college students. This study mainly is to help the college to find the deficiency of legal education in colleges and universities exist now, promote the promotion of college students legal literacy, promote college students awareness of the civil code related laws and regulations, abide by Chinese laws and regulations, abide by the rules the school rules, don't do harm to themselves and in violation of the law, legal consciousness, forming correct dimension The ability to protect their own legal rights and interests, strive to be a legitimate good citizen, and help college students to develop morally, intellectually, physically, aesthetically and professionally in an all-round way. Rule of law education is an important part of ideological and moral education for college students. For college students in the new era, the construction and development of a country ruled by law must have very high requirements for their legal literacy. The construction and development of China's rule of law cannot be separated from batches of students with excellent legal literacy. The purpose of this study is to promote the improvement of the legal literacy of college students, cultivate qualified and excellent college students for the development of China in the new era, and promote the construction and development of China under the rule of law. In the process of China's development, the comprehensive rule of law is of great significance. Since the reform and opening up, the study of university students' rule of law education has experienced three stages of development, namely the rise, integration and deepening, which reflects the distinctive characteristics of The Times <sup>[1]</sup>. The public's recognition of the concept of rule of law is of great significance to the great practice of rule of law <sup>[2]</sup>. The corresponding revision of the Civil Code of the People's Republic of China is closely related to the life and study of college students. The Civil Code plays an important role in the development of the rule of law education of college students in the new era, the construction of the rule of law in China, and the safety of China. It has great research significance to improve the legal literacy of college students.

## 2 Research methods and materials

Mainly selected the "civil code" tort liability clause is closely related to college students in the law of investigation and study, such as fault liability principle and the principle of presumption of fault liability and no-fault liability, joint tort, endangering others way of personal and property safety responsibility, teaching completed help tort and common dangerous behavior, since the venture, in violation of the security obligation of tort liability , driving motor vehicle traffic accident liability, high altitude parabolic others without authorization, responsibility for damage caused by the falling objects, abandoned animals escape liability for damage, environmental pollution and ecological destruction tort liability, lost abandons the tort liability of the damage caused by the highly dangerous, responsibility and dispatching units, unit of choose and employ persons labor laws such as employers liability to design the survey questionnaire, with two college students in Anhui province as research The research object is to conduct investigation and research on the college students of these two universities by issuing questionnaires on the website of the questionnaire Star,

and to conduct research on the status quo of legal education of college students, and analyze and understand the problems existing in legal education of college students through the real research situation of the questionnaire Star.






### 3 The good aspects of the current legal education of college students


Research mainly through the questionnaire star, questionnaire investigation, the solicitation on February 10, 2022 on March 10, 2022 in Anhui province for a month of two universities in the research, mainly in the perspective of civil tort liability for colleges and universities to study the present situation of college students' education of law, the questionnaire survey combined with the law of the People's Republic of China civil code tort liability The relevant research results are obtained through strict data sorting and analysis. Through this survey, we can find some good aspects in the current situation of legal education in colleges and universities, as follows:

#### 3.1 Campus safety law knowledge has become the main content of thematic class meetings and ideological and political courses

When more than 1000 college students participated in this questionnaire survey, they were asked which channels have you learned about the legal knowledge related to campus safety? Research results show that in the more than 1000 survey of college students, the choice by the counselor theme class meeting understands related campus security in the number of college students accounted for 74.93%, choose through ideological and political courses to understand relevant proportion of campus safety in the number of college students was 81.32%, the two channels of choice is the highest proportion, are shown in Table 1 below.

**Table 1.** The proportion of college students who learn the knowledge of campus safety law from what sources

options	Subtotal	Proportion
C, ideological and political courses	840	 81.32%
A, counselor theme class meeting	774	 74.93%
F, other channels	749	 72.51%
B, Law courses	688	 66.6%
E, school activities	647	 62.63%







D, legal lectures	568	 54.99%
Total valid data	1033	

In recent years, colleges and universities have integrated campus safety law knowledge into counselors' themed class meetings and ideological and political courses, and attach great importance to campus safety law knowledge, especially under the impact of the COVID-19 pandemic, campus safety law knowledge is particularly important.

### 3.2 Colleges and universities have created a variety of channels to help students master the knowledge of traffic safety law

When participating in this questionnaire survey, more than 1000 college students were asked which channels have you learned about the legal knowledge related to traffic safety? Research results show that the choice through ideological and political courses to understand relevant proportion of campus safety in the number of college students was 75.22%, choose relevant traffic safety by instructors theme class meeting seemed to be the number of college students accounted for 70.86%, The proportion of school activities and the proportion of law courses are about 61.96%. In recent years, colleges and universities have held many meaningful activities, which have been praised by the provincial Department of education for many times. This is shown in Table 2 below.

**Table 2.** The proportion of students in colleges and universities who choose from the original selection according to traffic safety

options	Subtotal	Proportion
A, instructors theme class meeting	732	 70.86%
B, Law courses	664	 64.28%
C, ideological and political courses	777	 75.22%
D, legal lectures	580	 56.15%
E, school activities	640	 61.96%
F, other channels	772	 74.73%
Total valid data	1033	

As we can be seen from Table 2, college students have a variety of channels to master the knowledge of traffic safety laws.

From the above two research data analysis data can be found that the current situation of legal education in colleges and universities there are some good aspects: campus security law knowledge has become the theme and the main content of the education course class meeting, at the same time, colleges and universities has created a variety of channels to help college students master the knowledge of traffic safety law.

## 4 The current college students' legal education of some problems

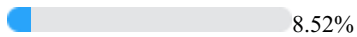

Although this survey can find good aspects of legal education in colleges and universities, some problems need to be solved. The problems are as follows.

### 4.1 5% to 10% of college students lack the awareness of legal responsibility

College students in the new era should be highly sensitive and have a strong sense of legal responsibility. Only in this way can college students become law-abiding and law-abiding citizens in the future development process, and can they also be conducive to the construction and development of China under the rule of law. To measure the legal responsibility of college students, mainly through the following questions to investigate and research.

(1) There are some students in violation of the provisions of the school keep pets in the dormitory, it combines the civil tort liability of word keeping animals social responsibility clause to design, when school students to participate in the questionnaire survey were asked to do you ever raised pets in the dormitory (such as dogs, cats, rabbits, turtles, fish, etc.)? The survey results show that among the 1033 subjects, 88 college students, accounting for 8.52%, have kept pets. The results are shown in Table 3 below.

**Table 3.** The proportion and number of students raised pets in the dormitory

Options	Subtotal	Proportion
A, Have kept pets	88	 8.52%
B, Don't have kept pets	945	 91.48%
Total valid data	1033	

It can be seen from the above table that 8.52% of college students ignore the life safety of other college students as well as the management rules and regulations of colleges and universities, because pets in the dormitory are highly likely to cause a certain impact on the life, health and safety of others.

(2) Combined with the civil tort liability of animals social responsibility clause design of this topic, when participating in the questionnaire survey of more than 1000 college students were asked to do you know the pets in the school, as the owner of the pet, if your pet bites, catch and spread disease and other effects of the lives of others, you have to bear the legal liability related? The survey results show that among 7.26% of them choose not to know, as shown in Table 4 below.

**Table 4.**As the owner of the pet , the pet can bite, catch, spread diseases and other harmful things to the lives of others, you have to bear the legal liability related.

Options	Subtotal	Proportion
A, Know	958	92.74%
B, Don't know	75	7.26%
Total valid data	1033	

According to the figure above, 7.26 percent of college students are likely to keep pets on campus in violation of relevant regulations, and they are not aware of the legal responsibilities if pets bite, catch, spread diseases or cause harm to others' lives.

(3)When participating in this questionnaire survey more than 1000 college students were asked to do you know that without permission to drive other people's motor vehicles, traffic accidents cause damage, belong to the motor vehicle party responsibility, the user of the motor vehicle to bear the liability for compensation; If the owner or manager of a motor vehicle is at fault for the occurrence of damage, he shall be liable for compensation accordingly<sup>[3]</sup>, except as otherwise provided in this Chapter? The survey results show that 7.55% of the more than 1000 college students do not know that, as shown in Table 5 shown below.


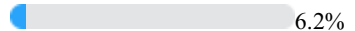
**Table 5.** The proportion of college students' knowledge of the selection process and ignorance of the relevant legal expenses incurred by the local people in a traffic accident

Options	Subtotal	Proportion
A, Know	955	92.45%
B, Don't know	78	7.55%
Total valid data	1033	

The figure above shows that 7.55 percent of college students do not know how to deal with relevant laws and regulations if they drive other people's motor vehicles or two-wheeled electric vehicles without permission and have a traffic accident.

(4) When involved in the questionnaire survey of more than 1000 college students were asked to do you know (complete civil responsibility you) you're drunk, abuse of narcotic drugs or psychotropic drugs temporarily no consciousness or lost control of his behaviour causes damage to others <sup>[4]</sup>, You're still legally liable? According to the analysis of the survey results, 93.8% of the 1033 respondents chose to know, while 6.2% of them chose not to know, as shown in Table 6 below.


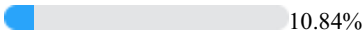
**Table 6.** The proportion of university students who still have to bear relevant legal liability for infringement after the loss of knowledge when they know or do not know the proper and proper suffering

Options	Subtotal	Proportion
A, Know	969	 93.8%
B, Don't know	64	 6.2%
Total valid data	1033	

The figure above shows that 6.2 percent of college students may drink and make trouble on campus, causing certain harm to others without knowing how to deal with it properly according to relevant laws and regulations such as the Civil Code.

(5) Some college students like to pile up things in the corridor and balcony of the dormitory, but do not do the corresponding protective measures. Combined with the "Civil Code" in the tort liability of stacking harm liability clause design this question, when participating in the questionnaire survey of more than 1000 college students were asked to do you know that stacking collapse, tumbling or sliding caused damage to others, stacking people can not prove that they are not at fault, should bear tort liability <sup>[5]</sup>? According to the results of the survey. There are 112 college students chose don't know, the proportion is 10.84%, This is shown in Table 7 below.

**Table 7.** The proportion of college students who should bear relevant legal liability for the number of pollutants placed in the field

Options	Subtotal	Proportion
A, Know	921	 89.16%
B, Don't know	112	 10.84%
Total valid data	1033	

(6) Combined with the Civil Code of tort liability in the joint dangerous behavior design this problem. When more than 1000 college students participating in this questionnaire survey are asked to know that two or more people commit acts endangering the personal and property safety of others, and one or more of them cause damage to others, the infringer shall bear the responsibility if the specific infringer can be identified. If the specific infringer cannot be identified, the actor shall be jointly and severally liable [6] ? The survey results show that, there are 54 college students who choose not to know that joint dangerous behavior is jointly liable for legal responsibility, accounting for 5.23%, as shown in Table 8 below.

**Table 8.** The number and proportion of college students who choose to know whether they should bear legal responsibility for joint dangerous behavior

Options	Subtotal	Proportion
A, Know	979	94.76%
B, Don't know	54	5.23%
Total valid data	1033	

Through the investigation of the above 6 issues closely related to college students, it can be found that 5% to 10% of college students lack the responsibility awareness of relevant legal responsibilities and are not clear about the legal provisions closely related to them in the tort liability of the Civil Code of the People's Republic of China.

**4.2 About 7% of college students lack knowledge of environmental protection laws**

For contemporary college students of environmental legal liability measured mainly by the following three problems, colleges and universities in the waste generated a lot of delivery Courier rubbish every day, especially like online shopping, some college students think that online shopping is more convenient, fashion, some college students don't like to eat the school canteen meals, like to point out. There are a lot of take-away garbage produced in colleges and universities every day, such as disposable plastic boxes, disposable plastic bags and disposable chopsticks, and some of them are not degradable. The aunt in charge of cleaning in colleges and universities works hard every day. The express garbage generated in colleges and universities every day is a headache. The packaging boxes, bags and express packages are wrapped with layers of tape, and these express garbage can probably produce 5-6 large barrels every day. Takeout garbage and express garbage are the majority of the garbage in colleges and universities, and the generation of these garbage has caused certain harm to the environment. The following topics are designed by combining the environmental pollution and ecological damage liability clauses and the loss and



abandonment of highly dangerous hazardous substances clauses in the tort liability section of the Code.

(1) When more than 1000 college students participating in this survey were asked, do you know that if you pollute the environment, destroy the ecological environment and cause damage to others, you should bear the relevant legal responsibility <sup>[7]</sup>? The results showed that 6.87% of college students chose not to know, as shown in Table 9 below.

**Table 9.** The proportion of college students who choose to know whether to be liable for tort if they cause environmental pollution and ecological damage

Options	Subtotal	Proportion
A, Know	962	93.13%
B, Don't know	71	6.87%
Total valid data	1033	

(2) highly dangerous substances will cause serious adverse effects on the environment and the personal safety of others. This question is designed in combination with the provisions of the "Civil Code" in tort liability for the loss and abandonment of highly dangerous harmful substances. When more than 1000 college students participating in this survey were asked, "Do you know that if the loss and abandonment of highly dangerous substances cause damage to others, all of them shall bear the tort liability <sup>[8]</sup>? If the owner leaves the highly dangerous material under the management of another person, the manager shall bear the tort liability <sup>[8]</sup>; If the owner is at fault, shall he be jointly and severally liable with the manager <sup>[8]</sup>? Among the 1,030 respondents, 93.4 percent of college students chose to know. However, 6.6% of college students chose not to know, as shown in Table 10 below.

**Table 10.** The number and proportion of college students who choose to know whether they should bear relevant legal liability for losing or abandoning highly dangerous objects.


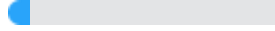
Options	Subtotal	Proportion
A, Know	964	93.32%
B, Don't know	69	6.68%
Total valid data	1033	

Through the investigation of the above two questions, it can be found that about 7% of college students lack the corresponding knowledge of environmental protection law and do not know how to protect the environment we live on.

**4.3 It is difficult to carry out legal liability (who should bear the legal liability in the end)**



(1) It is difficult for some college students to find out who is responsible for the legal responsibility. For example, they do not know who to look for when they fall into the well on the street or campus. This problem combined with the "civil code" damage caused by the tort liability in a public place or road construction responsibility and liability clause damage caused by the sinking and other underground facilities design, when involved in the questionnaire survey of more than 1000 college students were asked to do you know where a constructor excavates, repairs or installs underground facilities in a public place or on a road and causes damage to others, and fails to prove that obvious signs have been set up and safety precautions have been taken, the constructor shall bear tort liability<sup>[9]</sup>; If underground facilities such as inspection Wells cause damage to others and the administrator fails to prove that he has fulfilled his trustworthiness duty, he shall bear tort liability <sup>[9]</sup>? Research results showed that in the questionnaire survey some 8.13% of 84 college students chosen not to know, as shown in table 11.

**Table 11.** The number and proportion of college students who choose to know or not know the content of guest liability clause for public places or road construction and underground facilities such as drilling

Options	Subtotal	Proportion
A, Know	949	 91.87%
B, Don't know	84	 8.13%
Total valid data	1033	



(2) Some activities of colleges and universities have certain risks. This topic is designed based on the self-risk clause in tort liability of the Civil Code. When participating in this questionnaire survey more than 1000 college students were asked, do you know that if you voluntarily participate in sports and sports activities with certain risks, do you know that in case of danger, you should bear your own responsibility <sup>[10]</sup>? (except other personnel have intentional misconduct or gross negligence on the happening of the damage of excepted) <sup>[11]</sup>. after data analysis to the research result shows that the 1033 investigation object, a proportion of 10.36% of 106 college students chosen not to know, as shown in Table 12.

**Table 12.** The proportion of students in colleges and universities who choose to interpret the content of knowledge, unsuitability and willingness to take risks

Options	Subtotal	Proportion
A, Know	926	 89.64%
B, Don't know	107	 10.36%
Total valid data	1033	

(3) Combined with the civil tort liability of presumption of fault liability and fault liability clause design of this topic, when involved in the questionnaire survey of more than 1000 college students were asked if you know the offender for fault infringes on the civil rights and interests is caused damage, shall bear tort liability<sup>[12]</sup>(in accordance with the law presumption of the offender has a fault, it can't prove himself without fault, shall bear the abuse Right of responsibility<sup>[12]</sup>?The results show that: in the 1033survey objects,4.94% of college students do not know it, as shown in Table 13.

**Table 13.** The number and proportion of college students who choose to know or not know fault responsibility and fault determination responsibility

Options	Subtotal	Proportion
A, Know	982	 95.06%
B, Don't know	51	 4.94%
Total valid data	1033	



Through the investigation of the above three problems, it can be found that some college students are difficult to carry out the legal responsibility (who should bear the legal responsibility), and the ownership of these legal responsibilities is often related to their immediate interests.

#### 4.4 Lack of awareness of safeguarding their own legitimate rights and interests

College students often live and study in dormitories, canteens, playgrounds, basketball courts, supermarkets, classrooms, laboratories, libraries and other places. At the same time, the importance of protecting their legitimate rights and interests in finding a job can not be ignored. Mainly through the following several questions to college students to do the basic protection of legitimate rights and interests of the consciousness of measurement.



(1) some college students belong to restrict person of civil action competence, this topic design is a combination of the civil code in the tort liability of limited capacity for civil conduct education institutions by personal injury fault liability clause to design it, when involved in the questionnaire survey of more than 1000 college students were asked to do you know with limited capacity for civil conduct study in schools or other institutions of education, shall schools or other institutions of education bear corresponding supplementary responsibilities if they fail to perform their administrative duties during the period of living<sup>[13]</sup>? The survey results show that among the 1033respondents, 88 college students, accounting for 8.54%, choose not to know, as shown in Table 14 below.

**Table 14.** The number and proportion of college students who choose to know whether the educational institution shall bear relevant legal liability for the fault of limiting the person's capacity for civil conduct

Options	Subtotal	Proportion
A, Know	945	 91.48%
B, Don't know	88	 8.52%
Total valid data	1033	

(2) Shopping malls, cinemas and libraries are places where college students often engage in activities. If these places do not do a good job of safety protection measures and relevant safety reminders, and college students receive damage, they should take responsibility for it? Combined with the "civil code" to violate the security obligation in tort liability tort liability clause content to design the topic, when involved in the questionnaire survey of more than 1000 college students were asked to do you know shopping malls, cinemas, library without safety protection measures and the related safety warning, the head of the unit is to undertake related legal responsibility <sup>[14]</sup>? The survey results show that among the 1033 respondents, 59 college students, accounting for 5.71% of the total, do not know, as shown in Table 15 below.

**Table 15.** The proportion of high-rise college students who choose to undertake the related legal responsibilities for the position and authority bags violating the security and cultural affairs

Options	Subtotal	Proportion
A, Know	974	 94.29%
B, Don't know	59	 5.71%
Total valid data	1033	

(3) combined with the civil tort liability of compensation for mental injury in the terms and conditions to design the topic, when involved in the questionnaire survey of more than 1000 college students were asked to do you know person rights and interests of serious mental damage caused by a natural person, the patentee has the right to request compensation for mental damage<sup>[15]</sup> (due to his intentional misconduct or gross negligence against the natural personal significance for specific content In case of serious mental damage, the infringed shall have the right to claim compensation for mental damage<sup>[16]</sup>) ? The survey results show that 47 college students, accounting for 4.55% of the total, choose not to know, as shown in Table 16 below.

**Table 16.** The number and proportion of college students who choose to know or not know the content of compensation for mental injury

Options	Subtotal	Proportion
A, Know	986	95.45%
B, Don't know	47	4.55%
Total valid data	1033	

(4) there are some college graduates, faced with the problem of finding a job, in the employment of jobs, do not know how to protect their legitimate rights and interests. When participating in the questionnaire survey more than 1000 college students were asked to ask you will go to work after graduation, combined with the "Civil Code" tort liability in the employing unit responsibility and labor dispatch unit, labor service unit responsibility clause design this question. Do you know that if the staff of the employing unit causes damage to others due to the performance of work tasks, the employing unit shall bear the tort liability; Unit of choose and employ persons after the tort liability, can to recovery from intentional misconduct or gross negligence of the staff<sup>[17]</sup> (during labor source, was sent by staff for task execution causes damage to others, by accepting labor services, to build a unit to bear tort liability: dispatching units have fault, responsibility<sup>[17]</sup>)? The results showed that 74 college students, accounting for 7.16% of the total, do not know, as shown in Table 17 below.

**Table 17.** The number and proportion of college students who choose to know or not know the responsibility of the employer, the labor dispatching unit and the labor service unit

Options	Subtotal	Proportion
A, Know	959	92.84%
B, Don't know	74	7.16%
Total valid data	1033	

Through the study of the above problems, it can be found that some college students have insufficient awareness of safeguarding their own legitimate rights and interests. In the process of campus life and study, they have insufficient awareness of relevant legal provisions in the tort liability Code of the Civil Code, resulting in their low awareness of safeguarding their rights.

## 5 Conclusions

The construction and development of legal education in colleges and universities is related to the development of moral, intellectual, physical, aesthetic and labor of every college student, the improvement of the overall quality of college students, the practical significance of talent development in the 21st century, and the construction and development of China under the rule of law in the new era. This study found good aspects of legal education for college students through online questionnaire survey. For example, the knowledge of campus safety law has become the main content of thematic class meetings and ideological and political courses. Colleges and universities have created a variety of channels to help college students master the knowledge of traffic safety law. But also found some problems in the status quo of legal education among college students, such as :5% to 10% of college students lack the responsibility awareness of relevant legal responsibilities, about 7% of college students lack the corresponding legal knowledge of environmental protection; Some college students have difficulty in carrying out the legal responsibility (who bears the legal responsibility in the end); Some college students have insufficient awareness of protecting their legal rights and interests. This study is mainly to promote the legal literacy of college students, to promote college students to abide by the laws and regulations of our country, abide by the rules of the school, do not harm themselves and violate the law, form a strong sense of legal responsibility, enhance the ability to safeguard their legal rights and interests, and strive to be legal good citizens; At the same time, it helps college students to develop morally, intellectually, physically, aesthetically and labor in an all-round way, and cultivates qualified and excellent college students for the development of China in the new era, so as to promote the construction and development of China under the rule of law.

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