

**穗港澳三地大學生法治意識比較研究
初步報告**

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A Study on the Awareness of the Rule of Law among University Students in Guangzhou, Hong Kong and Macao

Summary Report

The rule of law is the foundation of our civilized society. Although the social backgrounds and legal systems of Hong Kong, Macao, and mainland China differ greatly from one another, the promotion of legal education is highly significant to the continuity and inheritance of the rule of law.

The National Development and Reform Commission (NDRC) released “The Outline of the Plan for the Reform and Development of the Pearl River Delta (2008-2020)” (the Outline) on January 2009, which shows that the development of the Guangdong, Hong Kong and Macao regions will further integrate. It can be foreseen that the communication of the three regions will become more and more frequent. People of the three regions, especially the young, will have more political, economic, cultural and social interactions. As a result, it is really necessary for young people to know and understand more about each others legal system.

This Study tried to analyse and compare knowledge and attitudes of the awareness of the rule of law, including concepts on the rule of law, adherence to law, confidence in the judiciary system and opinions on legal education among university students in Guangzhou, Hong Kong and Macao through a comparative study. University students in the three regions were invited to fill in structural questionnaires online or at school themselves.

The survey was conducted in October 2009. A total of 2078 valid questionnaires were received of which 654 were from Guangzhou, 821 from Hong Kong and 603 from Macao respectively.

In this chapter, the results of our research are summarized for discussion and conclusions drawn with relevant recommendations.

Discussion

1. Many university students in Guangzhou, Hong Kong and Macao interviewed agreed that the rule of law is essential for the stability of society. They regarded the role of the law to be important towards maintaining social order. It showed that young people in the three regions generally recognized that the rule of law is the foundation of a civilized society.

Many university students in Guangzhou, Hong Kong and Macao surveyed agreed that the rule of law is essential for the stability of society. These respondents constituted over 60% in each region (65.1% of respondents in Guangzhou; 65.5% of those in Hong Kong; and 60.9% of those in Macao).

Moreover, university students of the three regions surveyed said that law was important as it could maintain social order. These respondents accounted for 58% (57.5%) in Guangzhou, 67% (66.7%) in Hong Kong and 69% (69.3%) in Macao.

The rule of law is the primary cornerstone for social stability, prosperity and continuity. Mainland China, Hong Kong and Macao are on their way to building up the supremacy of law under different social backgrounds and policies. Although their pace of development may vary and they may have taken tortuous roads respectively, their determination to uphold the rule of law remains unchanged. The survey shows that young people in the three regions generally recognize that the rule of law is a core value needed in society, and they highly expect that the rule of law can maintain social order. This is an important element for building up a society ruled by law, and also an index showing social progress.

2. Respondents in Guangzhou, Hong Kong and Macao had different opinions on whether judiciary independence exists in their own society. Compared with those in Guangzhou and Macao, Hong Kong university students had a higher proportion who believed in the judiciary independence of their society.

Judicial independence lies at the heart of the rule of law, in which the judges should exercise their rights independently, and the whole judiciary system should be independent from the government or other influences outside. In the survey, respondents from Hong Kong, Guangzhou and Macao have different views on whether judicial independence exists in their own society.

University students in Hong Kong surveyed who believed there was judicial independence in their society accounted for 61.8%. The percentage was the highest among that of the other two, while only 35% of (35.0%) Macao respondents and nearly 30% (28.6%) of Guangzhou respondents said judicial independence existed. Moreover, 45% (45.1%) of Hong Kong respondents said they did not agree that the government could influence the verdict of the court. The percentage was higher than those from Macao, which was 30% (30.8%) and those from Guangzhou, which was 27% (27.0%).

If there is no judicial independence and the government can influence the verdict of the court, then any policy is prone to be distorted. Government officials may be able to make policies with their words but the rights of the people cannot be protected. Therefore, the independence of the judiciary is critical. Although the governments of the three regions have made great progress in the establishment of the legal system respectively, it is a continuous process which needs continuous improvement in order to cater to the social trends and uphold the core value of the rule of law.

3. Respondents in the three regions manifested a high law-abiding awareness and agreed that adherence to the law is the responsibility of citizens. However, their opinions differed regarding whether they would abide by unreasonable laws. It shows that respondents' adhering to the law is reliant on whether they respect and understand the spirit of legislation.

Most respondents in the three regions agreed that adherence to the law is the responsibility of citizens, and the percentages were 94% (93.9%) of respondents in Guangzhou, 97% (96.5%) of those in Hong Kong, and 95% (95.0%) of those in Macao. Also, the majority of respondents considered themselves as law-abiding citizens, and the percentages concerned were 95% (94.6%) of respondents in Guangzhou, 93% (92.9%) of those in Hong Kong and 92% (91.9%) of those in Macao.

With regard to an unreasonable law, the opinions of respondents varied. Half (50.2%) of the respondents in Guangzhou said they would still abide by the unreasonable law, and the percentage was higher than those of the respondents in Hong Kong (42.6%) and in Macao (42.8%), which were both 42%. Most of these respondents said they would adhere to unreasonable laws because of the principle that they should abide by the law. On the other hand, respondents who said they would not abide by unreasonable laws did so because they believed that unreasonable laws should not be adhered to.

Some respondents said it was hard for them to decide on whether to abide by an unreasonable law or not. The percentages of such respondents in Hong Kong and Macao were higher, both accounting for 45% (44.7% and 44.9% respectively). Over 30% (31.8%) of respondents in Guangzhou also said they could not decide.

The findings show that respondents were in a dilemma. They thought they should abide by the law as it was the responsibility of each citizen. On the other hand, they believed they should not adhere to unreasonable laws as there are higher moral values above the law. Indeed, whether respondents would abide by the law relied on whether they respected it. Only when young people agreed with the spirit of the law will they support and abide by it. Therefore, in order to ensure effective governance under the law, the objective of promoting legal education should not only be to illustrate the provisions, but also to help the young people better understand the spirit of the law. In the process of drafting and amending laws, more consultation channels should be opened for young people to seek their recognition as well as to enhance their law-abiding awareness.

4. Compared with respondents in Guangzhou and Macao, respondents in Hong Kong had higher confidence in their judiciary system. Moreover, respondents in the three regions believed, to some extent, that the law can maintain social justice.

Among the respondents in the three regions, Hong Kong respondents with the highest percentage (69.7%) said they had confidence in the local judiciary system, with 46% (46.2%) of respondents in Guangzhou and 40% (40.0%) of those in Macao saying the same. Moreover, respondents were also asked if they trusted that the courts would

give a just verdict if they were involved in a lawsuit. Over 50% (55.4%) of the respondents in Hong Kong said they would trust the court, which was the highest percentage among the three regions, while 45% (45.2%) of respondents in Guangzhou and 39% (38.5%) of respondents in Macao also said they trusted the courts as well.

Respondents in the three regions to some extent believed in the ability of the law to uphold social justice. 63% (63.1%) of respondents in Guangzhou, 67% (67.2%) of respondents in Hong Kong and 55% (54.9%) of respondents in Macao said the law could uphold social justice in their own societies respectively.

What aroused concern were the findings given when respondents were asked if they agreed that the law only protected the influential ones in their society. Respondents in Guangzhou and Hong Kong who agreed and disagreed showed a similar proportion. The percentage of respondents in Macao who agreed with this was even 14 points higher than that of those who disagreed. So many respondents cast their doubts when they were asked about the actual situation of how the law upheld justice in their society.

The confidence of young people in the judiciary relies not only on a well-established legal system, but also the impartial enforcement of the law. The government of the three regions should increase the confidence of the young people in the judiciary by respecting the value of the rule of law and establishing a society ruled by law.

5. Compared with respondents in Guangzhou and Macao, respondents in Hong Kong had a higher trust in local judges, lawyers and law enforcers. Young people's confidence in the judiciary has a lot to do with the quality of legal practitioners, which means that the training of legal practitioners becomes more critical.

Respondents in Hong Kong had a higher trust in local judges, lawyers and law enforcers compared with respondents in Guangzhou and Macao. 66% (65.5%) of respondents in Hong Kong said they agreed that the judges were impartial and the percentage was higher than that of those in Macao, which was 40% (40.6%), and that of those in Guangzhou, which was 37% (36.8%).

Moreover, nearly half (49.6%) the respondents in Hong Kong agreed that lawyers had their professional ethics, and the percentage was higher than that of those in Guangzhou, which was, 42% (41.5%) and that of those in Macao, which was 37% (36.7%) respectively. Moreover, close to half (49.0%) of Hong Kong respondents said they believed the law enforcers were honest and incorruptible, and this percentage was also higher than that of those in Guangzhou, which was 25% (24.8%) and that of those in Macao, which was 20% (19.7%) respectively.

The confidence of young people in the judiciary has a lot to do with the quality of the legal practitioners. Honest and upright judges, lawyers and law enforcers have a critical role in maintaining a fair, impartial and just society ruled by law. This means the training of legal practitioners will grow in importance.

6. Compared with respondents in Guangzhou and Macao, respondents in Hong Kong admitted that they had less legal knowledge. They also gave lower points while assessing the legal education promoted by the government. There is lots of room for promoting legal education, especially in Hong Kong.

Many respondents said the law was difficult for them to understand. Such an answer was given by 48% (47.7%) of respondents in Guangzhou, 69% (69.1%) of those in Hong Kong and 53% (52.9%) of the ones in Macao. The percentage of Hong Kong respondents was the highest.

Respondents were also asked to give a point on a scale of 0 to 10 (with 10 being the highest) to evaluate their own legal knowledge. The average points given by Guangzhou, Hong Kong and Macao respondents were 5.57, 4.39 and 4.90 respectively. The average points given by Hong Kong and Macao respondents could not even reach 5, that is, the half of a possible 10, and the point given by Hong Kong respondents was the lowest.

When it came to assessing the legal education promoted by their governments, on a scale of 0 to 10 (with 10 being the highest), the average points given by Guangzhou and Macao respondents were over 5, that was 5.28 and 5.20 respectively. On the other hand, Hong Kong respondents only gave an average of 4.58 points, which is below 5. The findings show that legal education has a lot of room for improvement.

The law is closely related to one's daily lives so every citizen should understand and know more about it. What was understood from surveying the university students in the three regions was that legal provisions could be difficult. Yet the contents of laws and the spirit of legislation are understandable. The governments of the three regions are dedicated to promoting legal education, which is especially true in Mainland China and Macao where active and systematic actions have been taken. However, the findings of the survey show that legal education still has a lot of room for improvement. Legal education is indispensable for every citizen so the way to promote and deepen legal education in order to strengthen the legal knowledge of the general public is worthy of further discussion.

Recommendations

1. Young people regard the rule of law as an important element of society, which is the foundation for social harmony and justice.

The rule of law is the primary cornerstone for social stability, prosperity and continuity. The Mainland, Hong Kong and Macao experience different development processes of establishing the supremacy of law owing to their social backgrounds and policies. The survey shows that young people in the three regions generally recognize that the rule of law is an important element of society, and they have high expectations of its ability to maintain social order. This recognition is an important element for the three regions to develop their rule of law. It is also the basis of social harmony and justice. We believe the importance of the rule of law should be instilled in the young generations so that it becomes an integral part of their understanding of citizenship.

2. Promote legal education continuously and make good use of the media and the schools as a platform to help young people better understand the law.

Many respondents in the survey said they thought the law was difficult and admitted

that they had little understanding of it. Although legal provisions may be technical, the contents of the law and spirit of legislation were not absolutely incomprehensible. In fact, the law is closely related to one's daily lives and its influence extends to different aspects in society. As a result, legal education is significant, especially for the younger generations in the sense that it can nurture them to become law-abiding citizens. Therefore, we believe the government and the groups of society should promote legal education continuously and make good use of various kinds of media so that the more difficult and complicated information about law can be explained in a simple way. Moreover, the impact on young people can even be greater if schools can have supportive measures.

3. Enhance young people's understanding of the law as well as their respect and support for it. Also, upgrade their law-abiding awareness.

Respondents in the survey said whether they adhered to the law relied on whether they respected it. Only when they agreed with the rules under the law would they support and adhere to them. It shows that they believe there are higher moral values above the law. Therefore, in order to ensure effective governance under the law, we believe that the objective of promoting legal education should not only be to illustrate the contents of the legal provisions, but also to help the young people better understand the spirit of the law and respect it, as well as to enhance their law-abiding awareness. Moreover, the government should let young people take part in the process of enacting and amending the law, and ask for their comments, thus increasing their recognition.

4. Put more efforts in the nurturing of legal talents in the three regions, and improve the professional quality and integrity of legal practitioners.

A wholesome legal system has a lot to do with the quality of legal professionals. To uphold the rule of law, what is important is not only the fair and impartial practices of the judiciary and law-enforcing bodies, but also an honest and upright team of legal practitioners. However, respondents in the survey manifested a lack of confidence in the legal practitioners in their own regions. This will directly affect their confidence in the

judiciary system. To manifest the spirit of the rule of law, we suggest that the government of the three regions strengthen the training of legal professionals by not only giving them professional knowledge but also more guidance on moral conduct so as to upgrade their professional quality to establish a society ruled by law.

5. Organize more exchange activities for law students and professionals in the Mainland, Hong Kong and Macao so as to promote more understanding and respect.

Respondents had different opinions on whether the independence of the judiciary exists in their own regions. Based on the principle of “one country, two systems”, the Mainland, Hong Kong and Macao adopt different legal systems. As a result, their interpretations and understanding of concepts regarding the rule of law may be different. Under this principle, to let young people know more about the legal system in the three regions, we suggest that regular exchange activities should be held for law students and professionals. In this way, they can better understand and respect the legal system of each other.