



Legislative Analysis and Improvement Suggestions on Elderly Education in China

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DOI: [10.5281/zenodo.14391752](https://doi.org/10.5281/zenodo.14391752)

Submission Date: 03 Nov. 2024 | Published Date: 11 Dec. 2024

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Abstract

With the intensification of the aging population trend, the importance of elderly education has become increasingly prominent. This study conducted a comprehensive analysis of the current situation of elderly education legislation in China, pointed out its achievements in safeguarding the right of the elderly to receive education and promoting the development of elderly education, and also revealed existing problems, such as a relatively low legislative level, incomplete content, and a lack of unified planning. On this basis, corresponding improvement suggestions were put forward, including raising the legislative level, enriching the legislative content, and strengthening the guarantee mechanism, so as to improve the effect of elderly education and meet the spiritual life needs of the elderly.

Keywords: *Elderly education; Legislation on elderly education; Right to education.*

Research Project Support: This paper is the result of the key project "Legislation on Elderly Education" (2021 - 112ZB) in the "14th Five - Year Plan" scientific research plan for adult continuing education of China Adult Education Association.

1. Introduction

Education for the elderly constitutes a key part of the lifelong education system, which plays an indispensable role in improving the quality of life of the elderly and promoting social harmony. In recent years, various regions in China have issued a series of regulations and policies related to the education of the elderly, which, to a certain extent, have played a normative and promoted the development of education for the elderly. However, in the face of the growing demand for education for the elderly, the current legislative system still shows many defects, which need to be further improved.

2. Current legislation status of education for the elderly in China

2.1 Legal level

So far, there has been no special law on education for the elderly in our current legal system. However, the Education Law of the Peoples Republic of China and the Law of the Peoples Republic of China on the Protection of the Rights and Interests of the Elderly both clearly stipulate the right of the elderly to receive education, thus laying a legal foundation for the development of education for the elderly. Nevertheless, the existing regulations are still relatively abstract and lack of concrete operability.

2.2 Local laws and regulations

With the advancement of the legislative process of education for the elderly, many provinces and cities have promulgated the regulations on education for the elderly. Specifically, it includes the Regulations of Xiamen Special Economic Zone on Education for the Elderly, Regulations of Guizhou Province on Education for the Elderly, Anhui Province on Education for the Elderly and Xuzhou City on Education for the Elderly. Among these regulations, only the Regulations of Shandong Province on Education for the Elderly has adopted a systematic way, subdividing all the provisions into six parts: general provisions, system construction, organization and implementation, service guarantee, legal liability and

supplementary provisions. Relatively speaking, the other four local regulations adopt the "decentralized regulation type" mode, directly listing the content of the provisions. But the overall content is more comprehensive.¹

There are many commonalities in the content of the five local regulations. First of all, they are all committed to safeguarding the right of the elderly to continue to receive education. It clearly points out that education for the elderly is a part of social public welfare undertakings and a key part of lifelong education and undertakings for the aged. In terms of the concretization of management responsibilities, these regulations emphasize the dominant position of the government in the education for the elderly, clarify the responsibilities of governments at all levels and related departments, and strengthen the organization and leadership, so as to promote the overall development of education for the elderly. Specific responsible departments including education administrative departments, aging institutions, retired veteran cadres departments and other relevant departments, such as culture, sports, finance, civil affairs, etc., clear departments specific responsibilities in the elderly education work, and requires each department cooperation, promote elderly education related work, including resource integration, funds guarantee, site construction, teacher management, etc. Second, laws and regulations to the grassroots elderly education, emphasis on the development of urban and rural community elderly education, promote elderly education to the grassroots, encourage community, village, villages and towns (street) set elderly education places or teaching, facilitate the elderly to learn, form a multi-level and diversified elderly education system. At the same time, in terms of the security system, the regulations require to increase the investment in the education cause for the elderly. We will expand channels for funding investment and establish a multi-agent sharing mechanism, such as government budgets, social donations, and development funds. Some regions also stipulate that education institutions for the elderly enjoy preferential tax incentives and administrative fees, and encourage all sectors of society to support education for the elderly. At the same time, we attach importance to the construction of education teachers for the elderly, encourage all kinds of professionals to engage in education for the elderly, including part-time teachers in regular institutions and vocational schools, retired teachers or volunteer services, Support experts, scholars, scientists and technological workers, non-genetic inheritors to participate in education and teaching for the elderly, Improve the teaching quality and professional level. Finally, Regulations stipulate certain supervisory procedures, Provisions on the establishment, change and termination of educational institutions for the elderly, Requirements to handle the relevant procedures in accordance with the relevant state regulations, Clarify the conditions for educational institutions for the elderly, Such as organizations, teachers, teaching places and facilities, funding sources, etc., At the same time, it emphasizes that educational institutions for the elderly should carry out educational activities in accordance with the law and regulations, Accept the management and supervision of relevant departments. Education institutions for the elderly are required to set up their courses reasonably, carry out teaching activities according to the characteristics of the elderly, ensure the quality of teaching, not carry out profit-making activities that interfere with the normal teaching order, not false publicity, infringe on the legitimate rights and interests of the elderly, and relevant departments to supervise and inspect the teaching management, enrollment fees, security and other aspects of educational institutions for the elderly to ensure the healthy and orderly development of education for the elderly.

3. Evaluation of the legislation of the elderly education in China

About elderly education legislation, highlights the importance of the elderly enjoy the right to education, the elderly education institutions should be based on the characteristics of the elderly and the needs to carry out teaching activities, to ensure that the elderly education equal opportunities, and meet their diversified learning needs, so as to promote the all-round development of the elderly. At the same time, the legislation emphasizes the social welfare attribute of education for the elderly and its key position in the lifelong education system, and positions it as a key part of the cause for the elderly, which helps to improve the social attention to education for the elderly and creates a good social environment for the development of education for the elderly. However, there are still several problems in the implementation of geriatric education legislation:

3.1 Imperfect legal system

The country lacks special laws on education for the elderly, which only relies on scattered provisions in relevant laws and regulations, and there is no comprehensive, systematic and in-depth regulation of education for the elderly. Although local regulations fill the gap to some extent, there are differences in different regulations due to their limited scope of application. Due to the lack of host law, the elderly education of laws and regulations into weakened or ignored, and elderly education is difficult to obtain its due social status, in practice its development completely rely on the attention of local government, to a certain extent, caused the development of different regions in China elderly education imbalance.

¹Li Jie. The evaluation and improvement of the legislation of the local elderly education regulations in China. *Lifelong Education Research*, 2022,33 (01).

This obviously violates the principle of fairness in the education that should be followed for the elderly.² Education for the elderly must guarantee the elderly's equal right to enjoy public education resources, and help the elderly to break the educational inequality caused by age, region, economy and other factors, so that they can get the opportunity to learn no matter what their background is.³ The lack of unified legal standards and norms across the country has seriously affected the overall and coordinated development of education for the elderly. For example, different regions have different regulations on the establishment conditions and teacher requirements for educational institutions for the elderly, which leads to the lack of institutional connection and difficulties in resource sharing in cross-regional exchanges and cooperation scheduling problem. It makes it difficult for education for the elderly to form the development pattern of national chess, which affects the overall promotion of education for the elderly.

3.2 The content of the legislation is not sound

At present, the laws and regulations on the education for the elderly are generally principled and general, and lack of clear implementation rules and operational standards. In the aspect of the construction of the management system of education for the elderly, the division of the elderly education management responsibilities of the functional departments of the government has not been clear, resulting in fuzzy management authority, easy to cause mutual prevarication and controversy. In terms of the funding guarantee mechanism, there is a lack of specific provisions on the source, standard, use scope and other key elements of the education funds for the elderly, which leads to the insufficient investment of the education funds for the elderly and the lack of stable financial support. In terms of the establishment and operation of educational institutions for the elderly, there is a lack of clear norms on the key links such as qualification certification, approval process, teaching facilities and equipment requirements, which affects the standardized development of educational institutions for the elderly. At the same time, the relief channels for the elderly's rights in the elderly education are not clear, making it difficult for the elderly to obtain effective legal aid when their educational rights are infringed. In addition, there are a large number of declarative provisions in the current regulations, but there are few norms for the behavior mode and legal consequences, and the subject of legal responsibility and punishment mode are not clear, which leads to the lack of rigidity and poor operability of the regulations.

3.3 Weak guarantee mechanism

Although China has established a relatively complete legal and regulatory system for education for the elderly, it is difficult to achieve the original intention of legislation without an effective enforcement guarantee mechanism. At present, the law enforcement and supervision mechanism of education for the elderly in China is not perfect, and there is a lack of effective supervision and sanctions for the acts violating the laws and regulations of education for the elderly. The lack of smooth judicial relief channels for the elderly makes the elderly face litigation difficulties and high cost of rights protection when they encounter educational disputes. In addition, the publicity and popularization of laws and regulations on education for the elderly is still insufficient, leading to a low awareness of the public and some people engaged in education for the elderly, which further affects the effective implementation of laws and regulations on education for the elderly. Education is the core of teachers, although the current rules have recognized the importance of teachers in elderly education, but the lack of specific rules, such as teachers qualification standards, training system and pay guarantee, etc., which leads to the faculty quality is uneven, difficult to attract and retain talents, thus affect the teaching quality. Finally, the fund guarantee mechanism is not clear, most laws and regulations are not clear and specific, the government financial input lacks rigid constraints, the social fund-raising channels are not smooth, the use and management of funds is not standardized, leading to the education of the elderly. The overall lack of education funds has restricted the development scale and quality of education for the elderly.

4. Suggestions for improving the legislation of elderly education in China

In view of the problems faced by the current legislation of the education for the elderly, we must deeply understand the key role of the education for the elderly in the personal growth and the overall development of the society, and take the protection of the right to receive education as the core value goal of the legislation of the elderly education. It emphasizes the nature of the right of education for the elderly, and makes it clear that the elderly should enjoy the same rights in terms of obtaining educational opportunities, the choice of educational content and the guarantee of educational quality. At the same time, we should pay attention to the foresight and adaptability of the legislation on education for the elderly, and comprehensively consider the development needs and changing characteristics of education for the elderly under the trend of population aging, so as to ensure that the legislation can guide and promote the innovation and progress of education for the elderly.

²Zhang Shafang, Principles, Influential Factors and Path Selection of the Construction of Education System for the Elderly, Adult Education, no. 8,2019.

³Yu Zhicheng, Chen Xiong. The legislative framework of education guarantee for the elderly. Adult Education, 2023,43 (10).

4.1 Raise the level of legislation

On the legislation of education for the elderly, some scholars believe that it can be included in the lifelong Education Law and other laws, especially in the legislation of lifelong education has been supported and theoretical basis by many scholars. This study advocates that the scope of education for the elderly goes beyond the simple education issue, and is closely linked with social issues such as population aging and old-age security. It is difficult to unify the legislation of education for the elderly with lifelong education, community education or protection of the rights and interests of the elderly to fully cover the complex content of education for the elderly. The inconsistency of the legislative process will also have an impact on the actual operation of the education for the elderly, leading to the overlap of the adjustment objects and the intersection of responsibilities, and then lead to the phenomenon of buck-passing between departments, forming the practical dilemma of "kicking the ball". Therefore, from the legal level, it is particularly necessary to carry out special legislation on the education for the elderly, in order to clarify its principles, implementation mechanism, safeguard measures, and provide the support for local legislation.⁴

In view of this, suggested to formulate the elderly education law, to clarify the nature of the elderly education, status, goal, basic principles, management system, funds guarantee, teaching staff construction, teaching quality evaluation, to provide the development of elderly education career comprehensive, systematic and authoritative legal support. Under the guidance of national laws, each region can formulate corresponding implementation rules according to its actual conditions to ensure that education for the elderly is guaranteed by law throughout the country and achieve coordinated development.

4.2 Enrich the content of the legislation

In view of the management system of education for the elderly, this paper believes that the management mode of government leading and social participation should be adopted, the responsibilities of government education, civil affairs and finance departments in the planning, examination, approval and supervision, and fund investment, and the coordination and cooperation mechanism should be established to improve the management efficiency. At the same time, improve the guarantee mechanism for the education funds for the elderly, stipulate that governments at all levels should include the education funds for the elderly into the financial budget, and gradually increase the proportion of investment with the economic and social development. In addition, we will expand the source channels of funds for education for the elderly, encourage diversified investment methods such as social donations and enterprise investment, to ensure sufficient and stable funds for education for the elderly. Standardize the establishment and operation of educational institutions for the elderly, clarify the conditions for their establishment, examination and approval procedures, teachers, teaching facilities and other requirements, and strengthen the supervision and management of educational institutions for the elderly to ensure the quality of education. Finally, improve the relief system of the elderly education rights, establish diversified dispute resolution mechanisms such as educational dispute mediation, arbitration and litigation, reduce the cost of the elderly rights protection, and provide effective legal relief ways for the elderly education rights.

4.3 Enhance the adaptability of The Times

In order to quickly adapt to and integrate the emerging education models for the elderly, the legislation should take active measures to incorporate these models into the formal legislative framework. These models include, but are not limited to, digital teaching, distance education for the elderly, and study Tours for the elderly, which represent new trends in the field of education and new changes in the learning needs of the elderly. Through legislation, the legitimacy, standardization and quality standards of these educational models can be clarified, thus providing a clear guidance and incentive for the elderly educational institutions, and encouraging them to actively explore and innovate educational methods to better meet the growing diverse learning needs of the elderly. At the same time, education for the elderly, elderly care services, culture and education, healthcare and information technology and other fields are closely linked and influence each other. Therefore, in the process of legislation, we must attach importance to the connection and coordination of laws and regulations in these related fields, so as to build a legal system for coordinated development. For example, in promoting the digital development of education for the elderly, it is necessary to coordinate with existing laws and regulations such as the Network Security Law and the Data Protection Law to ensure that the legitimate rights and interests of the elderly in the digital learning process are fully protected, and at the same time to protect their personal privacy and data security.

4.4 Strengthen the construction of the law implementation guarantee mechanism

⁴See Li Jie, Chinas Policies and Regulations on Education for the Elderly: Review, Reflection and Suggestions, Lifelong Education Research, no. 4,2019.

In order to ensure the smooth progress of education for the elderly, a sound law enforcement and supervision mechanism must be established. This includes clarifying law enforcement subjects and law enforcement authority, and ensuring that there are clear responsibility subjects to implement relevant laws and regulations. At the same time, it is necessary to strengthen the supervision and inspection of the implementation of the laws and regulations on education for the elderly to ensure that all the provisions are properly implemented. Government departments and education institutions for the elderly, as the main responsible parties responsible for implementing the laws and regulations on education for the elderly, should receive regular evaluation to evaluate their performance and effectiveness in education for the elderly. Those acts that violate laws and regulations must be corrected and sanctioned in accordance with the law to ensure the seriousness and authority of the law.

In addition, in order to protect the legitimate rights and interests of the elderly in the field of education, it is necessary to smooth the judicial relief channels of education for the elderly. We will strengthen legal aid and judicial assistance for the elderly, provide legal advice and litigation agency services for the elderly, and ensure that they can receive fair treatment and effective legal support in educational disputes. Through these measures, the legitimate rights and interests of the elderly can be better protected.

In order to improve the social attention and sense of identity to the elderly education legislation, it is necessary to increase the publicity and popularization of the laws and regulations on education for the elderly. Through TV, radio, newspapers, Internet and other media platforms, the significance, main content and implementation results of laws and regulations on education for the elderly are widely publicized, so that more social members can understand and realize the necessity and urgency of legislation on education for the elderly. By increasing the public's attention and sense of identity, we can create a good legal environment that is more conducive to the development of education for the elderly. Finally, it is also crucial to strengthen legal training for older educators and the elderly. Through regular legal training, their legal awareness and legal literacy can be improved, so that they can better understand and master the content of the laws and regulations of the elderly education. In this way, they can implement these laws and regulations more effectively in practical work, so as to promote the effective implementation of laws and regulations on education for the elderly.

5. Conclusion

While China's education legislation for the elderly has made some achievements, it also faces many problems and challenges. By improving the legislative level, enriching the legislative content and enhancing the adaptability of the laws, the legislative system of the education for the elderly can provide a solid legal guarantee for the healthy and sustainable development of the education for the elderly. This will not only help to meet the growing spiritual and cultural needs of the elderly and improve the quality of life of the elderly, but also have a profound impact on actively coping with the aging of the population and building a harmonious society.

6. References

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CITATION

Liang Z. (2024). Legislative Analysis and Improvement Suggestions on Elderly Education in China. In *Global Journal of Research in Education & Literature* (Vol. 4, Number 6, pp. 84–88).
<https://doi.org/10.5281/zenodo.14391752>