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Construction of Prosecutors' Intercultural Legal Competence from the Perspective of Foreign-Related Rule of Law: An Empirical Analysis Based on a Typical Case

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Abstract

Against the backdrop of advancing the foreign-related rule-of-law strategy, prosecutors' intercultural legal competence constitutes a core component for professionalizing foreign-related prosecutorial teams, as well as an essential compound quality for resolving cross-border legal cognitive conflicts and handling foreign-related criminal cases in a high-quality and standardized manner. Divergences in legal traditions, institutional norms and judicial philosophies across jurisdictions frequently give rise to legal cognitive disagreements in foreign-related cases, which impose rigorous challenges on prosecutors' cross-jurisdictional identification, intercultural legal reasoning and refined discretionary capacity. Taking the typical non-prosecution case involving a foreign student published by the Supreme People's Procuratorate as an empirical sample, this paper sorts out typical intercultural legal conflict scenarios in foreign-related criminal practice. It clarifies the conceptual boundary between culturally-rooted legal cognitive bias and mistake of law in criminal dogmatics, and deconstructs four practical dimensions of prosecutors' intercultural legal competence: intercultural legal identification capacity, cross-linguistic judicial communication capacity, foreign-law normative cognition capacity, and discretion capacity integrating law, reason and sentiment. Empirical analysis reveals that current training for foreign-related prosecutorial personnel suffers structural drawbacks including ingrained single-jurisdiction mindset, lack of specialized skill training, and insufficient mechanisms for translating competence into practice; a systematic cultivation pathway for intercultural legal competence has not yet been established. Responding to the requirements for developing foreign-related rule-of-law talents in the new era, this paper constructs a practical system for building prosecutors' intercultural legal competence tailored to prosecutorial practice from four dimensions: cognitive reshaping, tiered competence training, procedural institutional embedding, and digital empowerment. It provides theoretically-grounded and implementable solutions to cultivate interdisciplinary foreign-related prosecutorial talents versed in international rules and capable of cross-jurisdictional judicial scenarios, and to improve the governance efficacy of China's foreign-related judiciary.

Keywords

Foreign-related rule of law, intercultural legal competence, talent training, legal cognitive conflict, judicial practice.

1. Introduction

1.1. Research Background

With continuous advancement of high-level opening-up and improvement of the foreign-related rule-of-law system, foreign nationals studying, working and residing in China

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have become commonplace. Foreign-related criminal cases are growing in frequency, complexity and diversity[1]. Cross-border population mobility inevitably brings collisions between plural legal cultures. Unlike cross-border commercial disputes which have received abundant scholarly attention, criminal justice directly involves state sovereignty, public security and criminal sanction, rendering cultural-cognitive frictions more likely to produce adverse procedural outcomes, such as involuntary confession, ineffective guilty-plea proceedings, or public misunderstanding of Chinese judicial decisions. Even when statutory provisions are clear, diverging cultural presuppositions may distort how foreign suspects interpret investigative activities, prosecutorial questioning and procedural notifications[9].The Supreme People's Procuratorate has stipulated that foreign-related prosecutorial talents in the new era shall uphold firm political stance, possess solid professional expertise, be conversant with international rules, and master practical foreign-related legal work. Among these qualities, intercultural legal adaptability and problem-solving capacity distinguish foreign-related prosecutors from ordinary prosecutorial personnel[2,3]. Different from conventional domestic criminal cases, the difficulties in handling foreign-related cases lie not merely in evidence review and legal application, but also in eliminating cognitive estrangement derived from diverse legal cultures across legal families, breaking down cross-linguistic and intercultural judicial communication barriers, and realizing the organic unity of law-based performance of duties and judicial inclusiveness[4,5].

In the context of global judicial integration, foreign-related criminal adjudication is no longer a simple application of domestic criminal law, but a comprehensive judicial practice that balances sovereign jurisdiction, cultural diversity, and international judicial reciprocity. In recent years, China's foreign-related criminal cases have presented prominent new characteristics: first, the types of crimes are increasingly diversified, covering traffic crimes, property crimes, and minor criminal offenses closely related to daily life; second, the parties involved are from different legal families, including civil law systems and common law systems, resulting in fundamental differences in crime constitution logic and penalty concepts; third, foreign parties generally have strong legal awareness and are highly sensitive to procedural justice, judicial communication and discretionary results[6]. In this context, the traditional prosecutorial working mode centered on domestic legal norms can no longer adapt to the new demands of foreign-related judicial governance. The intercultural legal competence of prosecutors has become a key variable affecting the credibility and effectiveness of China's foreign-related judicature. High-quality handling of foreign-related cases not only requires accurate legal application, but also relies on effective resolution of cultural cognitive conflicts, which helps shape a good international judicial image and promote the construction of a global rule-of-law governance system[7].

Within existing academic literature, theories of intercultural legal competence are mostly situated in legal education, legal English teaching and training for foreign-related lawyers. Scholarly output focuses on constructing theoretical frameworks, while seldom addressing talent development within prosecutorial judicial practice[6]. Research on foreign-related prosecution largely centers on institutional improvement, procedural optimization and rules for ascertaining foreign law. Intercultural legal competence has not been treated as a core indicator for talent development, nor have systematic capacity-building frameworks adapted to prosecutorial duties been formed[7]. From a practical perspective, obstacles in numerous foreign-related cases stem not from defective legal norms, but from prosecutors' insufficient intercultural legal awareness, poor communication skills and limited cross-jurisdictional thinking. Against such context, empirical research grounded on typical prosecutorial cases to unpack practical connotations, real-world deficiencies and construction pathways of prosecutors' intercultural legal competence becomes vital for perfecting foreign-related prosecutorial talent systems and advancing the foreign-related rule of law.

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1.2. Literature Review

Internationally, theories of intercultural legal competence have matured into a four-dimensional framework of “cognition-attitude-skill-practice”. Relevant studies focus on legal cultural adaptability in transnational legal services and international commercial dispute resolution, and stress cross-jurisdictional judicial inclusiveness and communicative adaptation under legal pluralism.

Nader pointed out that intercultural legal competence does not require practitioners to master every foreign legal system exhaustively; rather, it demands reflective awareness of one’s own legal cultural biases when interacting with parties shaped by alternative normative traditions[8]. Aldana further emphasized intercultural legal sensibility as a transformative professional disposition, warning that legal actors may unconsciously project domestic cultural assumptions onto foreign-origin defendants[9]. However, most Western-centred scholarship targets private legal practitioners, corporate lawyers or arbitrators. Very few empirical studies extend intercultural-competence analytical lenses to state-run prosecutorial institutions with public-law mandates. Prosecutors exercise public prosecutorial power, balancing crime control, human-rights protection and diplomatic considerations, which creates role-specific competence requirements distinct from private-sector legal professionals[13].

Early intercultural competence theories originated from cross-cultural communication studies, focusing on cultural adaptation and linguistic expression in cross-border communication scenarios. With the development of global legalization, such theories were gradually introduced into the legal field, forming the concept of intercultural legal competence[10]. Existing foreign studies have formed a relatively complete theoretical system for private legal practitioners, but lack targeted research on public judicial personnel such as prosecutors. Different from private lawyers who only need to protect the interests of clients, prosecutors bear the dual responsibilities of national judicial authority operation and legal diplomacy communication. Their intercultural legal competence must take judicial sovereignty as the premise, and realize cultural tolerance and communication effectiveness on the basis of abiding by domestic legal norms[11]. This fundamental difference makes the existing international theoretical framework unable to be directly applied to China’s foreign-related prosecutorial practice, which also creates the theoretical research gap of this paper.

Domestic Chinese research falls into two strands. First, scholars of legal linguistics explore the connotation, dimensions and pedagogical pathways of intercultural legal competence for talents in foreign-related rule-of-law. However, their research subjects are primarily law students and foreign-related legal service practitioners rather than front-line prosecutors[3,12]. Second, prosecutorial-practice studies investigate case-handling mechanisms, foreign-law ascertainment and procedural reforms for foreign-related cases. They prioritize institutional design yet neglect cultivation and transformation of core human capacities[1,6,7,13]. For instance, technical discussions about foreign law ascertainment often concentrate on procedural channels, admissibility and evidentiary weight of foreign-law materials, while paying scant attention to how prosecutorial personnel should interpret and employ those foreign-law findings during suspect interrogation and legal reasoning[4,5]. Institutions and procedural rules can only function effectively when operating personnel possess matching cognitive and communicative capabilities[7]. Without corresponding individual-level intercultural legal competence, even well-designed procedural mechanisms may produce sub-optimal case-handling outcomes.

In addition, domestic existing research has obvious homogenization problems. Most studies adopt macroscopic institutional research perspectives, focusing on the overall construction of foreign-related rule-of-law talent teams, but lack microscopic empirical analysis based on specific cases. Few studies disassemble the practical operation logic of prosecutors’

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intercultural legal competence from real foreign-related cases, and fail to summarize targeted capacity deficiencies and improvement paths[6]. At the same time, the current academic circle has not yet formed a unified and authoritative definition of prosecutors' intercultural legal competence, and there is a lack of differentiated dimension setting suitable for prosecutorial public power duties, resulting in the disconnection between theoretical research and judicial practice[3].Overall, extant literature suffers threefold disjuncture: theory versus practice, institutions versus talent development, and generic competences versus judiciary-specific capabilities. Empirical studies and systematic training frameworks targeting prosecutors' intercultural legal competence remain scarce.

1.3. Research Questions

Centered on talent development, this paper addresses three core research questions: Distinct from general foreign-related rule-of-law professionals, what are the practical dimensions and core connotations of prosecutors' jurisdiction-specific intercultural legal competence? As indicated by the typical case, what capacity gaps and training deficiencies exist in prosecutors' intercultural legal judicial practice? How do we construct a tiered and replicable cultivation system of intercultural legal competence adapted to foreign-related case-handling?

This paper additionally proposes a subsidiary exploratory question: To what extent can a single real-world prosecutorial case illuminate generalizable competence-building lessons for China's broader foreign-related prosecutorial community? This auxiliary question frames the boundary of case-based inference, avoiding over-generalization drawn merely from one individual incident.

1.4. Research Methodology

This paper adopts case-based empirical analysis and competence-deconstruction methodology. It draws upon a typical prosecutorial case released by the Supreme People's Procuratorate in 2025. This case involves cross-jurisdictional normative conflicts, divergent interpretations of legal concepts, intercultural communication obstacles and adaptive judicial discretion. It fully demonstrates how intercultural legal competence operates in prosecutorial practice and reveals both strengths and deficiencies of foreign-related prosecutorial personnel. Therefore, it constitutes a high-quality empirical sample for practice-oriented talent-development research.

The case-study method deployed here follows interpretive case-study logic rather than statistical representativeness. Real-world official-published prosecutorial records enable researchers to observe how abstract competence concepts manifest within concrete procedural steps. It should be acknowledged that single-case analysis carries inherent limitations; therefore, this study does not claim universal statistical conclusions, but instead generates testable theoretical propositions for future large-sample empirical investigation[19].

1.5. Research Significance

This study transfers generic theories of intercultural legal competence into the specialized domain of foreign-related prosecution and defines jurisdiction-specific capacity dimensions for prosecutors.

Different from previous perspectives, this paper shifts the analytical focus from "institutional improvement" to "competence building", which means it infers talent-training deficiencies from case evidence and breaks the institutional-oriented paradigm dominating prior foreign-related prosecution research. It establishes a four-pronged cultivation system of "cognitive reshaping — competence training — institutional embedding — digital empowerment" with both theoretical grounding and practical operability for regular prosecutorial talent development.

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Theoretically, this study distinguishes culturally-rooted legal cognitive bias from the traditional mistake-of-law doctrine, enriches theoretical foundations for intercultural judicial practice, and supplies doctrinal support for constructing prosecutorial competence standards.

2. Typical Case and Deconstruction of Practical Dimensions of Intercultural Legal Competence

2.1. Case Facts and Core Conflicts

In March 2024, K, an international student from Country G studying in China, rode an over-standard electric motorcycle under the influence of alcohol and caused a road scraping collision. His blood-alcohol content met the threshold for the crime of dangerous driving under Chinese criminal law. After the accident, K voluntarily reported to police and cooperated with alcohol testing, but persistently refused to confess guilt. His defenses originated entirely from legal cultural and institutional differences in his home jurisdiction. First, Country G has no standalone offence of dangerous driving; drunk-driving incurs criminal liability only when actual harmful consequences occur, which sharply contradicts China's legislative logic treating dangerous driving as an abstract-danger crime. Second, Country G classifies only fuel-powered motorcycles as motor vehicles, excluding electric motorcycles from such regulatory scope, creating cross-jurisdictional divergence over statutory definitions. Third, its criminal code provides mitigation or exemption from criminal liability when intoxication impairs a defendant's capacity to recognize or control conduct, giving rise to ingrained cognitive inertia[14].

From a procedural perspective, K's persistent refusal to confess might easily trigger negative prosecutorial heuristics. Without intercultural legal identification capacity, investigators may categorize such persistent denial as deliberate defence evasion, which could shape subsequent case-handling attitudes and communication strategies[9]. Notably, K did not dispute objective factual conduct: he admitted drinking and riding the motorcycle. His contestation focused exclusively on normative evaluation of that conduct, a typical symptom of culturally-rooted legal cognitive bias[15]. This nuance makes the case exceptionally illuminating for competence research: factual evidence was largely undisputed; the major challenge resided in normative-cultural understanding rather than fact-finding.

Adhering to the requirements of foreign-related judicial practice, the procuratorial authority clarified the roots of cognitive divergence through foreign-law ascertainment, eliminated linguistic barriers with professional judicial interpreters, and resolved cultural bias through scenario-oriented legal reasoning. K finally admitted guilt and accepted punishment. Considering mitigating circumstances including his long-term residence in China, voluntary surrender, remorseful attitude and comparatively lower risk posed by the electric motorcycle, the procuratorate issued a non-prosecution decision. This outcome realized multiple values: judicial justice, cultural inclusiveness and foreign-related legal education. The case vividly illustrates the practical value of well-developed intercultural legal competence in prosecutorial work[14].

2.2. Culturally Rooted Legal Cognitive Bias

The traditional doctrinal category of mistake of law centers on "the actor lacks awareness of unlawfulness and such unawareness is unavoidable", which may negate or mitigate criminal liability when established[15]. In this case, having studied in China for seven years, K clearly understood China's prohibition against drunk-driving and possessed full awareness of unlawfulness. His refusal to confess stemmed not from ignorance of Chinese law, but from cognitive inertia shaped by long-term immersion in his home-country legal culture. This paper conceptualizes such phenomenon as culturally-rooted legal cognitive bias. This bias does not

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negate criminal liability per se, yet it materially affects the voluntariness of guilty pleas, efficiency of judicial communication and social outcomes of case-handling. It represents a distinctive practical challenge that prosecutors must address by exercising intercultural legal competence[2].

Existing doctrinal scholarship has discussed culturally influenced unlawfulness mistake scenarios, yet mostly concentrates on whether such mistake deserves criminal law mitigation[15]. This article shifts analytical emphasis towards procedural consequences. Even without substantive mitigation effects, culturally-rooted legal cognitive bias interferes with prosecutorial-suspect communication, and impedes effective guilty - plea - and - accept - punishment procedures, and raises risks of procedural misunderstanding [16]. Therefore, prosecutors cannot merely rely on substantive-criminal-law doctrines to resolve such bias; they need procedural-oriented intercultural legal competence to manage communication and reasoning processes.

Different from the general mistake of law in criminal doctrine, culturally-rooted legal cognitive bias summarized in this paper has three distinctive characteristics. First, it is rooted in long-term cultural and institutional education rather than temporary ignorance of the law; second, the actor has basic cognition of domestic legal provisions but forms normative value conflicts based on home-country legal logic; third, it mainly affects procedural operation and judicial communication effects rather than directly negating criminal illegality[14]. This theoretical distinction effectively makes up for the deficiency of traditional criminal law theory in explaining cross-cultural judicial conflicts, and provides a new analytical perspective for handling minor foreign-related criminal cases.

2.3. Four Practical Dimensions of Prosecutors' Intercultural Legal Competence

Based on the full case process and operational patterns of foreign-related prosecution, this paper constructs a four-dimensional competence model adapted to prosecutorial realities beyond generic frameworks of intercultural competence, specifying core competence benchmarks for foreign-related prosecutors.

2.3.1. Intercultural Legal Identification Capacity

As the foundational layer of intercultural legal competence, intercultural legal identification capacity requires prosecutors to transcend domestic-law-centered mindsets and develop cross-jurisdictional, cross-legal-family cognition. Prosecutors must accurately trace legal cultural sources behind defendants' arguments and differentiate ordinary defensive posturing from culturally-rooted cognitive bias to avoid mechanical or oversimplified adjudication. It constitutes the fundamental distinguishing quality of foreign-related prosecutorial professionals[3,7].

In the case studied, this capacity manifested concretely. Prosecutors did not treat K's legal arguments as bare sophistry. Instead, they hypothesized that his claims might reflect home-jurisdictional normative premises, which directly motivated formal foreign law ascertainment work. Without this initial reflective identification step, the subsequent whole chain of culturally-informed legal reasoning would not have been activated[8].

2.3.2. Cross-Linguistic Judicial Communication Capacity

Operating at the practical-operational layer for foreign-related cases, cross-linguistic judicial communication capacity encompasses precise conversion of legal terminology, intercultural legal reasoning, psychological empathy and communicative adaptation for cross-border scenarios. Working collaboratively with professional interpreters, prosecutors should adapt their reasoning to foreign parties' legal cultural frames of reference, abandon one-way statutory indoctrination, and achieve two-way effective transmission of legal meaning so as to dismantle intercultural communication barriers[3,12].

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It is critical to stress that cross-linguistic judicial communication capacity is not equivalent to foreign-language proficiency. Even prosecutors with limited foreign-language skills can achieve this competence by cooperating with qualified judicial interpreters, provided they understand legal cultural pitfalls in interpreting legal concepts[12]. Pure machine translation without human legal cultural vetting cannot satisfy judicial communicative demands, as shown in relevant research on legal translation risks[18]. In this case, procurators relied on professional judicial interpreters rather than informal translation tools to guarantee legal term equivalence during questioning.

2.3.3. Foreign-Law Normative Cognition Capacity

As a specialized professional requirement for foreign-related prosecution, foreign-law normative cognition capacity demands familiarity with basic criminal institutions, legislative rationales and judicial conventions of high-frequency foreign jurisdictions. Prosecutors shall master standardized procedures for ascertaining, interpreting and evaluating foreign law. In criminal proceedings, ascertainment of foreign law is not for applying foreign substantive criminal norms to decide liability; its purpose is to interpret defendants' subjective perceptions, support legal reasoning and optimize case outcomes[4,5].

Many existing publications discuss foreign-law ascertainment under civil-procedural frameworks; comparatively few clarify its special functional positioning within criminal prosecution[4,5]. This dimension of competence reminds practitioners that foreign-law materials are interpretive resources for understanding suspects' subjective normative world, rather than alternative adjudicative norms superseding lex loci delicti. This functional boundary prevents fundamental confusion over sovereignty-related questions in criminal justice[1].

2.3.4. Discretion Capacity

When handling foreign-related judicial matters, prosecutors shall uphold China's judicial sovereignty and legal stringency while respecting legitimate legal cultural differences. In non-prosecution and sentencing-related discretion, they shall pursue the organic integration of law, reason and sentiment, balancing judicial justice, foreign-related governance and the value of legal diplomacy[16,17]. In this non-prosecution case, prosecutorial discretion did not relax statutory constitutive requirements of dangerous-driving crime. Instead, cultural-cognitive context entered discretionary weighing as one contextual factor among many, together with surrender, actual hazard level of the vehicle, and post-incident remorse. intercultural legal factors should not override statutory constraints; they enrich contextual deliberation within existing prosecutorial discretion boundaries.

3. Case Analysis of Deficiencies in Prosecutors' Intercultural Legal Competence Cultivation

Many deficiencies need to be taken into consideration when it comes to developing prosecutors' intercultural legal competence.

3.1. Cognitive Mindset Deficiency

Cognitive mindset deficiency means entrenched single-jurisdiction frames and weak intercultural legal awareness. Current prosecutorial training prioritizes domestic criminal norms and local judicial experience, lacking systematic instruction in comparative law, legal culture and foreign jurisdictional institutions. Many prosecutors are trapped within a single-jurisdiction mindset[15]. When handling foreign-related cases, they may fail to identify culturally-rooted legal cognitive bias and simplistically characterize foreign defendants' institution-grounded arguments as resistance against justice, resulting in mechanical

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adjudication. This reveals systemic deficiencies in intercultural legal identification literacy[4,17].

This mindset risk is not a personal moral failing of individual prosecutors. It arises from long-term professional socialization within a single domestic legal system, where case-handling training predominantly revolves around domestic legal sources and local life-world assumptions[7]. For most front-line prosecutors, foreign-related cases constitute a small proportion of overall workload; accordingly, incentive structures for investing energy into cross-jurisdictional-culture learning remain relatively weak[6]. The exemplary procuratorial team in this case represents relatively advanced practice, which suggests that such reflective mindset cannot be assumed as universal across ordinary prosecutorial teams.

From the perspective of judicial practice, single-jurisdiction thinking will easily lead to two kinds of judicial deviations. First, prosecutors ignore the rationality of foreign parties' normative cognition and simply apply domestic legal standards for rigid judgment, which reduces the acceptability of judicial results. Second, they fail to carry out targeted legal reasoning and communication, resulting in low efficiency of guilty plea procedures and waste of judicial resources[17]. In serious cases, inappropriate judicial communication may even cause foreign parties to misunderstand China's judicial system, triggering negative public opinion and affecting the effect of foreign-related legal publicity and education[2].

3.2. Practical Skill Deficiency

Practical skill deficiency means the insufficient specialized training and limited on-the-job adaptability. Conventional prosecutorial training emphasizes substantive and procedural criminal law, without dedicated modules for intercultural judicial communication, foreign-oriented legal reasoning or practical foreign-law ascertainment[7]. Most prosecutors lack proficiency in legal-foreign-language application, judicial-interpreter coordination and empathetic intercultural reasoning. Confronted with linguistic and cultural conflicts in foreign-related cases, they cannot deliver precise and effective judicial communication. There exists a substantial mismatch between available personnel skills and practical case-handling demands[3,12].

General legal English courses offered outside prosecutorial academies mostly target transactional legal practice or legal-document translation; they seldom simulate cross-cultural suspect-questioning scenarios within criminal-investigation contexts. Even when basic foreign-law materials can be obtained, many prosecutors lack training on how to read foreign-legal provisions for the purpose of decoding suspect subjective cognition, rather than for direct norm-application[4]. Such applied interpretive skill gaps cannot be eliminated merely by reading comparative law textbooks.

3.3. Institutional Mechanism Deficiency

Institutional mechanism deficiency is the fragmented training regimes and absent carriers for competence transformation. Existing foreign-related prosecutorial talent development largely relies on scattered ad-hoc thematic workshops. A complete training pipeline of "theoretical learning — case-simulation training — on-the-job practice — post-case review" has not been established. Moreover, prosecutorial workflows contain no dedicated module for reviewing intercultural legal conflicts. Deployment of intercultural legal competence depends heavily on individual prosecutors' personal qualities without regularized institutional carriers, hindering translation of theoretical knowledge into practical case-handling capabilities[6].

Institutional carrier absence means that intercultural legal considerations are optional discretionary add-ons instead of built-in procedural check-points[10]. When caseload pressure rises, non-mandatory reflective steps are easily omitted. In the researched case, intercultural legal reflection was driven by high-level professional awareness of the specialized

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foreign-related prosecution unit; for ordinary grassroots procuratorial divisions without specialized foreign-related teams, such reflective steps are more likely to be skipped amid heavy case burdens.

3.4. Resources Deficiency

Resource deficiency refers to the inadequate supporting resources and imperfect digital empowerment systems. Systematic databases of foreign national criminal law, repositories of typical intercultural legal conflict cases and intercultural judicial-simulation training resources remain insufficient. AI-assisted translation and foreign-law-retrieval tools are applied without standardized protocols and cannot reliably support intercultural prosecutorial work, constraining competence improvement [4]. In addition, prosecutorate-university cooperation, international exchanges and secondment-based practical training cover only a narrow group of personnel and cannot satisfy large-scale cultivation of compound profile talents [7].

At present, most foreign-law-reference materials available to grassroots procurators are scattered open-access web resources, lacking official curated annotation explaining contextual background of foreign-statutory clauses. Machine-translation outputs can provide preliminary hints, yet they regularly mistranslate culture-laden legal concepts, as documented in legal-linguistic research[12]. Limited curated resource pools raise information-acquisition costs for ordinary prosecutorial offices, widening capacity gaps between specialized foreign-related procuratorial units and general grassroots procuratorates.

4. Construction of Framework for Prosecutors' Intercultural Legal Competence

Based on the existing literature and previous analyses, this paper proposes a framework for prosecutors' intercultural legal competence from the perspective of foreign-related rule-of-law.

4.1. Cognitive Reshaping

Cognitive reshaping means fostering cross-jurisdictional and pluralistic pudicial mindsets. Legal culture studies should be integrated into regular prosecutorial training with comparative criminal law and foreign jurisdictional judicial institutions. Training shall highlight divergences in criminal legislation, statutory concepts and judicial cultures among jurisdictions with large resident-foreign-national populations in China to dismantle single-jurisdiction cognitive rigidity[15]. Prosecutors shall internalize a foreign-related judicial philosophy that "law-based duty performance serves as the baseline and cultural inclusiveness as supportive principle". They shall adopt the working logic of "identify cultural bias prior to assessing case facts", consolidating cognitive foundations for intercultural legal competence[3].

Cognitive reshaping does not require every prosecutor to master full-scale comparative criminal law expertise. Priority setting is practically essential, and training resources should concentrate on high-frequency source jurisdictions of foreign suspects within each procuratorate's geographical jurisdiction[7]. For example, procuratorates near international universities should emphasize legal cultural characteristics of major student-sending countries. This localized focus makes cognitive-reshaping objectives realistic under limited training budgets.

4.2. Competence Building

A four-tier specialized capacity is supposed to be built to improve competence.

- Intercultural legal identification capacity (the foundational layer): to improve conflict recognition and root-cause analysis through reviews of typical cases and thematic lectures on foreign legal systems.

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- Cross-linguistic judicial communication capacity (the operational layer): to deliver scenario-simulation training for judicial-interpreter coordination and foreign-oriented legal reasoning to refine intercultural judicial discourse.
- Foreign-law normative cognition capacity (the professional layer): to standardize workflows, retrieval approaches and practical boundaries for foreign-law ascertainment to enhance cross-jurisdictional normative analysis.
- Integrated discretion capacity (the apex discretionary layer): to elevate refined decision-making balancing law-reason-sentiment through seminars on complex foreign-related cases, expert consultations and professional contests.

Practically, tiered training should also distinguish between general population prosecutorial staff and members of specialized foreign-related prosecution teams. General-duty prosecutors receive introductory-level training focusing mainly on conflict-recognition awareness and basic collaborative-work protocols with interpreters and experts. Specialized foreign-related prosecutors undertake advanced simulation exercises, mock foreign law ascertainment drills and complex-case role-playing[6-7]. Such differentiated design prevents overburdening ordinary prosecutors while raising standards for dedicated foreign-related-case practitioners.

4.3. Institutional Embedding

Institutional embedding means to establish regularized mechanisms for competence operationalization. Thus a full-life-cycle talent-management mechanism of “Selection-Education-Utilization-Assessment” is established to institutionalize intercultural legal competence.

First, prosecutorial authorities should incorporate a dedicated intercultural legal-conflict review module into review reports for foreign-related criminal cases. Under this requirement, intercultural legal identification, intercultural legal reasoning, and foreign-law analysis ought to be treated as mandatory procedural steps. Second, authorities should formalize the collaborative working model consisting of “prosecutor, professional judicial interpreter, foreign-related legal aid lawyer, comparative law expert”. Such team-oriented support can compensate for gaps in individual practitioners’ capacities[17].Third, prosecutorial bodies need to deepen prosecutorial-university partnerships, roll out dual-supervisor program, and develop specialized practical courses for foreign-related prosecution. These measures can bridge the divide between theoretical teaching and real-world judicial practice[13].Fourth, prosecutorial organs should institutionalize post-case debriefing sessions for foreign-related matters. Regular case seminars built upon these debriefs help to accumulate replicable practical paradigms.

Institutional embedding also touches upon assessment and incentive dimensions. At present, performance evaluation indicators rarely incorporate intercultural legal handling quality for foreign-related cases[2]. Adding reasonable assessment prompts encourages procuratorial personnel to devote energy to intercultural legal review rather than treating such work as an extra burden. Meanwhile, case-debrief outputs should be centrally collected to build an internal prosecutorial knowledge base of intercultural legal conflict precedents, lowering learning thresholds for subsequent case handlers[13].

Furthermore, procuratorial organs can set up special foreign-related case handling teams, implement fixed personnel and fixed post responsibilities, and form a professional working team specializing in intercultural legal conflict resolution. For grassroots procuratorates with fewer foreign-related cases, a regular rotation training and exchange mechanism can be established to realize the sharing of intercultural judicial experience within the region, so as to solve the problem of unbalanced distribution of high-level foreign-related judicial capabilities[6]. Through institutional constraints and incentive guidance, intercultural legal competence training and practice can be transformed from passive learning of individual

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prosecutors into normalized institutional behavior, fundamentally solving the problem of disjointed training and practice.

4.4. Digital Empowerment

Prosecutorial authorities may harness intelligent prosecutorial informatization to build standardized repositories for foreign-related rule-of-law resources, which can store consolidated frequently cited foreign criminal law provisions, documented intercultural legal conflict cases, and template discourses for cross-cultural judicial communication[13]. They should also establish formal application standards for AI-assisted translation and foreign law retrieval tools that mandate the workflow of "machine-aided preliminary screening supplemented by professional human verification" to mitigate risks of mistranslation and normative misinterpretation[18]. Additionally, dedicated digital platforms can be deployed to support online training, mock case-handling exercises and intercultural scenario-based drills, reducing training expenditures and advancing the overall effectiveness of talent-development initiatives.

It must be stressed that digital resources are auxiliary supporting instruments, never substitutes for prosecutors' intercultural legal competence. Databases can provide foreign statute texts and past-case references, yet they cannot autonomously judge whether a specific suspect's argument stems from culturally rooted legal cognitive bias. Such interpretive judgment still relies on human prosecutorial cognition and reflective analysis[8]. Digital-tool governance should therefore explicitly mark the boundary between machine-generated preliminary materials and prosecutorial independent substantive evaluation[4].

5. Conclusion

Intercultural legal competence represents an indispensable core quality for interdisciplinary foreign-related prosecutorial professionals in the new era, and serves as crucial support for resolving cross-border legal cognitive conflicts and enhancing foreign-related judicial governance efficacy. Many practical difficulties in foreign-related criminal justice arise from collisions among divergent legal cultures, legislative rationales and judicial mentalities. Case-handling tests not merely prosecutors' orthodox legal expertise, but composite capacities for intercultural identification, communication, adaptation and balanced discretion.

Empirical analysis based on the typical case demonstrates that China's current foreign-related prosecutorial talents cultivation system suffers structural shortcomings: ingrained single-jurisdiction mindsets, insufficient specialized skill training, fragmented cultivation mechanisms and inadequate supporting resources. Systematic and regular pathways for translating intercultural legal competence theories into prosecutorial practice are yet to be fully realized.

Responding to strategic demands of foreign-related rule-of-law development, building prosecutors' intercultural legal competence shall prioritize improving personnel competence and orient toward practical judicial needs. A full-chain cultivation framework shall be constructed along four dimensions: cognitive reshaping, competence building training, procedural institutional embedding and digital intelligent empowerment. This facilitates transformation of intercultural legal competence from abstract theoretical concepts into tangible prosecutorial practical capabilities. Systematic talent cultivation shall produce cohorts of foreign-related prosecutors with firm political commitment, sophisticated professionalism, familiarity with international rules and strong intercultural judicial adaptive capacities. It will furnish solid human resources and intellectual support for high-quality development of China's foreign-related rule of law and for advancing high-level opening-up.

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This study carries clear research limitations. First, evidence is derived from one officially-published exemplary prosecutorial case; general statistical conclusions regarding the overall status quo of Chinese prosecutors' intercultural legal competence cannot be drawn[19]. Future large-scale questionnaire surveys, multiple-case comparative studies and semi-structured interviews with front-line foreign-related prosecutors can further test and revise the four-dimensional competence framework proposed within this paper. Second, this article concentrates on criminal-prosecutorial scenarios; whether the competence dimensions apply to other branches of foreign-related state legal work (for example, administrative law enforcement and civil judicial fields) awaits further comparative investigation[1]. Third, this paper mainly discusses supply-side talent-cultivation pathways; future research may explore demand-side perspectives, such as evaluating actual effectiveness of different training programmes through pre-post competence measurement[13].

Further research may also explore boundary questions: under what threshold conditions should prosecutorial personnel devote substantial resources to identifying culturally-rooted legal cognitive bias in daily heavy-caseload environments? Balancing resource cost constraints and intercultural justice requirements constitutes an unresolved practical question deserving sustained scholarly attention.

In addition, subsequent research can further expand the research scope, select multiple foreign-related cases involving different legal families, different crime types and different cultural conflict levels for comparative analysis, summarize more universal intercultural legal competence operation rules, and build a more scientific and quantitative evaluation index system for prosecutors' intercultural legal competence. It can also try to construct a digital intelligent assessment model of competence level, so as to realize precise training and personalized improvement of foreign-related prosecutorial talents, and provide more comprehensive theoretical and practical support for the high-quality development of China's foreign-related rule of law construction.

References

[1] Xin, J., & Dai, Y. (2026). Value interpretation and dilemma mitigation of foreign-related criminal rule-of-law talent cultivation. Studies in Legal Education, 52(1), 115–138.

[2] Supreme People's Procuratorate of China. (2025, October 24). https://www.spp.gov.cn/spp/llyj/202510/t20251024_709290.shtml

[3] Zhang, F. L. (2026). Research on cultivation of new-era foreign-related rule-of-law professionals. Journal of Northwestern Polytechnical University (Social Sciences), (1), 79–87.

[4] Liu, Q. (2025). Preliminary discussion on ascertainment of foreign law in foreign-related criminal cases. People's Procuratorate, 19, 62–64.

[5] Zheng, X. J., & Zhang, L. (2005). Research on perfecting China's system for ascertaining foreign law. People's Judicature, (6), 70–75.

[6] Lou, H. (2026). Dilemmas and improvement pathways for foreign-related prosecutorial talent cultivation. China Prosecutors, (7), 74–76.

[7] Hu, Z. F., Ma, J. Q., & Tan, Z. L. (2026). Foreign-related prosecutorial talent training: Goal-setting, practical dilemmas and pathway exploration. Theory and Practice of Contemporary Education, 18(1), 1–7.

[8] Nader, L. (2013). Law and intercultural competence. Pacific McGeorge Global Business & Development Law Journal, 26, 123–130.

ISSN: 2637-6067 DOI: 10.6918/IJOSSER.202609_9(9).0023

[9] Aldana, R. (2016). Intercultural legal sensibility as transformation. Southern California Interdisciplinary Law Journal, 25(1), 1–66.

[10] Kessler, J. B. (1989). The lawyer's intercultural communication problems with clients from diverse cultures. Northwestern Journal of International Law & Business, 9(1), 64–79.

[11] Sample, S. (2013). Intercultural competence as professional skill. Pacific McGeorge Global Business & Development Law Journal, 26(1), 117–122.

[12] Qu, W. S. (2017). Cultivating legal foreign language talents for a competent foreign-related rule-of-law workforce. China Higher Education, (7), 42–44.

[13] Wang, W. H., & Wei, Y. Y. (2024). Exploration and innovation of training modes for foreign-related criminal rule-of-law talents: From the perspective of talent cultivation in international judicial cooperation in criminal matters. China University Teaching, (5), 16–23.

[14] Supreme People's Procuratorate of China. (2025, April 9). https://www.spp.gov.cn/spp/llyj/202504/t20250409_692509.shtml

[15] Chen, S., & Li, H. (2014). Culturally-conflict-oriented mistake of unlawfulness in multicultural societies and its adjudication. Journal of Sichuan Normal University (Social Sciences Edition), 41(6), 25–32.

[16] Wu, H. Y., & Liang, Y. (2026). Optimization of relative non-prosecution in guilty-plea-and-accept-punishment cases: From the perspective of petty-crime governance. Journal of Jishou University (Social Sciences), 47, 77–89.

[17] Guo, Z. Y., & Ding, D. (2026). Legislative approaches for foreign-related criminal procedure: Framework, logic and technique. Journal of Central South University (Social Sciences), 32(1), 74–86.

[18] Liu, J., & Mao, R. (2026). Research on innovative pathways for foreign-related rule-of-law talent cultivation in the AI era. Innovation and Entrepreneurship Education, 17(2), 135–144.

[19] Yin, R. K. (2017). Case study research and applications: Design and methods (6th ed.). SAGE Publications.