

The Reasons for the Withdrawal of China's Tobacco Regulatory Papers by the International Journals and Its Regulation by the Law and Administration

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Objectives: The analysis of reasons for the China's tobacco regulatory withdrawal by the international journals and promotion of the tobacco regulation in China is the first aim. **Methods:** questionnaires investigations method and individual method by the famous case of journal of Nature and recent withdrawal of China's tobacco regulatory paper are utilized in this paper. eg., Han Chunyu publishes paper in journal of Nature, and it provides the method of editing genome to cure some disease by the tobacco, eg., lung cancer and so on. **Results:** To analyze the reasons for the withdrawal of the China's tobacco regulatory paper, the reasons for this matter are multivariate by the different aspects. In general, the reasons are as follows by law aspects: eg., the writer's absence of legal opinion of law, including the absence of the obligation and rights of publishing contract, the university and researching body to take the index of paper to publish high level papers in the international society as the import task and in some degree to create paper's the withdrawal, China's traditional culture and absence of the modern accurate science training and the accurate modern administration system in China's society. The questionnaires investigations conclusion is to certify that the above reasons for the paper withdrawal are main, and to resolve it by the law and administration. **Conclusion:** The government and university shall take measures to separate the academic dispute from the paper's withdrawal and to establish the academic dispute resolution system, to cancel the index mask for the university and to punish the writer of the withdrawal paper, to establish the modern university system to promote the social and economic development and to establish modern accurate administration to avoid the paper's withdrawal by the international journals.

A CASE OF THE INTRODUCTION AND RELATED TOPIC

On 2nd, March, 2021, Han Chunyu, as a vice-professor of Hebei University of Science and Technology, wrote a paper and published in Journal of Nature which is international famous journal. This paper says that there is a new method of the editing using genome and it is likely to replace the traditional of the editing using genome. If the paper has “value” and it provides a new method to cure some diseases by the tobacco, and it has huge economic and society significance, this paper is an important achievement of the tobacco regulation and it is with the new method to cure the tobacco diseases. Therefore, at that time, Han has received lots of glory and economic supporting by the government, for example, firstly, he is awarded a prize of the National Science Projects Economic supporting within two million RMB; secondly, his university sets an empirical lab by the governmental finance. At the same time, in China news papers and TV, Han is an example of university of students with the science achievements and is learned from by younger in university. So much as, in China news paper reporting, Han is a person who is probable Noble Prize next time¹. However, in the international

science, to compare with China domestic hot report, the Chief editor of Nature journal, Lind. Koch, published a comment to introduce the chief abstract and says that Genetic engineering: A new player in genome editing. During the last half of 2016, there is a voice from the science of the China and international society, and it says that the test of paper is not copied and is criticized that the paper date is fake. On 8th, Aug., 2016, journal of Nature published the comprehensive comment of the replications, ridicule and a recluse: the controversy over Ng Ago gene — editing intensifies, and let the writer of the paper to provide the evidence of test to reflect the international science criticism. On 28th, Nov., 2016, the Nature Journal published the paper of “Failure to detect DNA - guided genome editing using Natronobacterium gregoryi Argonaute”, and on 7th, Aug., 2017, the comment of “Time for the data to speak”, and the at the same time, the Nature canceled the Han's paper². This is called the “matter of Han chunyu's paper withdrawal”. From the publishing the paper to the end of the withdrawal of paper, it is not two years and there are some important matters of connection points. See the Fig.1 of Some important connection points of matter of Han chunyu's paper withdrawal.

Number	Time	Important connection point of matter and its description
1	2 nd March, 2016	Han published the paper in Nature journal and it is commended to replace the traditional method of editing using genome.
2	5 th March, 2016	Han's university published the official comment in the home page and said that Han had an important achievement, then, there are important economic supporting by the government. In China some news paper, Han is a probably holder of Noble Price awarded in the future.
3	8 th Agu. 2016	Nature journal published the comprehensive comment of the Replications, ridicule and a reclus: the controversy over Ng Ago gene — editing intensifies, and let the writer of the paper to provide the evidence of test to reflect the international science criticism.
4	28 th Dec., 2016	the Nature Journal published the paper of "Failure to detect DNA—guided genome editing using Natronobacterium gregoryi Argonaute"
5	7 th Agu., 2017	The Nature Journal published the comment of "Time for the data to speak" and at the same time said the Han's paper is canceled. Han's university began to operate the investigation proceeding of Han's paper.
6	31 st Agu., 2018	Han's university published the investigation report and said that there is no evidence to certify that Han's science grope have default and cheating, and University shall cancel the glory to Han and supporting of economy by the government.

Fig.1 Some Important Connection Points of Matter of Han Chunyu's Paper Withdrawal

(Courses: from the data and news of paper, the writer arranges the date of figure.)

With publishing of the investigation report of the matter of withdrawal paper by the Han's university, and the conclusion of the report which there is no evidence to certify that Han's grope have no default and cheating in the paper and test, the science society express the criticism about the investigation report by the university to protect the Han's interests. From the criticizing opinions, the writer clarifies the common criticism from the two classes, one is about the university's investigation report, the other is about the strict attitude of writing paper and the operation of test, including the data of test and methods. So, as an important question, the writer shall analyze reasons for the paper's withdrawal for China's writer by the international journals and how to settle this matter by the law and administration³.

WITHDRAWAL OF CHINA'S TOBACCO REGULATORY PAPERS BY THE INTERNATIONAL JOURNALS AND THE CREATION OF AFFECTION

In fact, recently, there is a report by the government of China, and it says that China is the first country to publish the paper of science in the international journals and China domestic journals. The total number of publishing paper is more than the total Europe. This is an important science achievement to support the China's social and science development and express the China's development. However, for the more reasons, there are some matters of paper withdrawal, eg, exception of the above matter of Han, there are recent serious matters of paper withdrawal. Here, the writer takes an investigation of important matter of paper withdrawal by the international journals, eg, Springer Publishing Grope's journals⁴. See the

THE CURRENT SITUATION OF THE

Fig.2. Recent matters of China's paper withdrawal and statistics information.

Number	Time	Number of withdrawal paper	Name of withdrawal journal	Reasons
1	29 th Dec. 2009	70	Springer Publishing Grope's journals, eg, Crystallographic Journal	Fraud of data, and fraud of the examination suggestion and opinion
2	20 th Aug. 2015	64	Springer Publishing Grope's journals	Fraud of data, and fraud of the examination expert's information on suggestion, eg, opinion and email and so on
3	22 nd April 2017	107	Springer Publishing Grope's journals, eg, Tumor Biology	Fraud of data, and fraud of the examination expert's information on suggestion, eg, opinion and email and so on

Fig. 2 Recent Matters Of China's Paper Withdrawal and Statistics Information

(Courses: from the data and news of paper, the writer arranges the date of the above figure 2.)

The above fig 2 is the limited section of paper withdrawal, not to conclude the individual matter of paper withdrawal, eg, the above Han's matter. From the author's statistics, the above withdrawal papers, about 76% papers are related to the medical paper, eg, the some diseases researching and cure, lung cancer. In some degree, these topic and scope of papers are concluded by the causes of the tobacco regulation and diseases. By China's national file, eg., China Planning of Tobacco(2012-2015Year), the adult smokers in China exceeds 300 million except the second-hand smokers, and the younger smokers rate is more than 11.5%, therefore, the tobacco creates serious diseases and influence⁵, such as the cancers. In this files, the China shall regulate the tobacco in the public and meet with the non-smoking environment in the public, so, in some hospitals and universities, to researching diseases by the tobacco are important science task, and China's tobacco regulatory writer publish some medical paper in

international journals, including the above the withdrawal of China's papers. In the science tobacco regulatory papers, the researching scope of researching are related to the new methods of cure, the causes of diseases and the tobacco, the statistics of the cure and patients and so on⁶.

These matters express the serious China's science and China's technology development. For example, there is a voice to say in China science and university⁷, there is no honesty and so on. This opinion is not all right, for China science and university, it is obviously wrong and it negates the China's science and technological achievement. However, these matters crate serious affection to China's science and technology⁸. For example, these paper are not to stand for the China's researcher's honesty and data of test's administration, and in China's university and China's researching body, there are a serious system of administration. Otherwise, there is no China's huge technology achievement, eg., High train technology and so on. Objectively, these

matters express the China's university and China's researching bodies with some issues, eg. the shortcoming and absence of the test data administration. The matter of paper withdrawal is to express the science issues for China's university and research body and it is different from the outside of view of China's university and China's researching body, especially, during the Construction of China's Double First Level. If the matter of China's paper withdrawal is objective fact and it expresses the China's university and China's researching body's attitude to science and basic science researching in some degree, the science analysis of reasons for the matter of paper withdrawal of China by the international journal is the above the question to express the China's national science and technology not to be honesty or not, this is attitude to the China's future development and shorten the distance with the international science.

THE REASONS ANALYSIS OF THE WITHDRAWAL OF CHINA'S TOBACCO REGULATORY PAPERS BY THE INTERNATIONAL JOURNALS

From the analysis of the matter of China's paper withdrawal, the reasons for the matter of China's paper withdrawal are combination of the complication, eg., the reasons of the language and the attitude to the basic science.

By the writer of the investigation, the reasons for the matter of China's paper withdrawal are as following:

The Writer's Absence of Legal Opinion of Law, Including the Absence of the Obligation and Rights of Publishing Contract

In general, with the completion of paper, the write submits the paper to the journal as the offering of contract, and the journal accepts the paper to publish in public in journal, then to create the contract. By the law, there are obligation and right among the partners of the contract, for example, the partners of contracts are required to fulfill the obligation by the law and by contract⁹.

Before the submission of paper to journal, in

accordance with the contract of the publishing, the obligation and right are to keep the balance, for example, the writer shall bear the obligation of the paper with facticity of paper, including the data of paper and test data. To keep the obligation of the publishing contract, the journals provides the file of contract and requires the writer to know the obligation of facticity and not to inviolate the contract and law, including the acceptance of the writer, eg. the facticity of data and materials of paper. As the above the Fig. 2, this is the main reasons for the paper's withdrawal, eg. in the above papers, some papers are related to the medical science and patients, the writer of paper defraud the paper data to meet with the paper conclusion. This active shall inviolate the publishing contract and inviolate the obligation of contract of publishing.

By the Modern Management Science, the University and Researching Body take the Index of Paper to Publish High Level Papers in the International Society as the Import Task and in Some Degree to Create Paper's the Withdrawal

To comment objectively the China's science achievement, duration of the new China foundation, China's science and researcher have a great achievement under the leading of CPP, however, for the historical reasons, eg., the modern science and usage of modern science, China's science have a slap with west modern university and others, so, China take some measures to follow the modern university and modern science, eg., the "Double-First-Level Project" which is called China's national project and in the 21st century some top universities and some science shall be at the top in the international society. Some university create some strict indexes to check the staff to write paper and publish in the international journals. This administration measures have a affection on the staff's science interests in the writing in some degree. For researching this issues, the paper writer has a questionnaire investigation to understand the issues under the policy of indexes of science paper writing.

The questionnaire investigation has be held in China's some universities and researching body by the writing 100 questionnaire files and 95 files are

submitted after written by the staff from Mar. 2021 to Sep. 2021. In the questionnaire investigation, the three style questions are answered by the investigators: firstly, the reasons for the writing; secondly, the attitude to the papers and the data and materials duration of paper writing; thirdly, the

questions of your publishing papers. With the helping of computer software, the investigation questions are accounted by the academic method and create the professional conclusion. See the Fig 3. The investigation questions and analysis.

Number	questions	Sub-questions(single answer except the special requirement)	Answer and percent	Reasons for the paper withdrawal
1	Reasons for the writing papers	1. to express the science of achievement	1.25%	3.1
		2. To complete the writing task and indexes	2.68%	3.2
		3. To meet with the science interest	3.7%	3.3
2	Attitude to the writing paper	4. To meet with the task to check the data and materials of paper and test or not	4.46%	3.2
		5. To deal with carefully the data and materials of paper and test	5.35%	3.1
		6. To publish the paper as the first aim and not to worry about the withdrawal of paper	6.19%	3.2
3	Questions of your publishing paper (this section is pluralistic to answer. The section of answer is pluralistic and the percent of from the 7 th question and the 10 th question is not 100%. For the each question is accounted as this way: eg., for the 9 th question, the total questionnaires file is 95, however the number of the answer to choose the 9 th question file is 51, so, the percent of the 9 th question is 54%. the writer notes.)	7. The issue of the foreign language, eg., the logical issues and the style of expression and so on	7.45%	3.1, 3.3
		8. The inaccurate date and figures of the paper and test	8.38%	3.2, 3.3, 3.4
		9. The ignorance of the data and materials of paper and test	9.54%	3.2, 3.3
		10. Issues of the intellectual rights, eg., illegal usage of copy rights	10.65%	3.3

Fig.3 The Investigation Questions and Analysis

(Courses: from the data and news of paper, the writer arranges the date of the above fig.3.)

From the questionnaire investigation and data analysis, the conclusion of investigation on the paper's withdrawal, the reasons for the paper withdrawal are the following: the meet with the task of index and make the researchers to lost the science interests in the test and science, so, description of section 3.2 is main reasons for the paper's withdrawal.

The Reasons for the Paper Withdrawal is from the China's Traditional Culture and Absence of the Modern Accurate Science Training

To say objectively the modern science, it is fact that the modern university culture original source is from the West and is passes to China at the end of Qing Dynasty. Between the difference of China's culture, especial the China' traditional culture, and the West culture and the modern university culture, including the science test and modern science paper writing, focus on the accurate and follow the modern laws, eg., intellectual copy rights. This is new matter for China's society to be suit for the legal environment, although with the accession to the WTO, China' legislation of laws is to meet with

the international acceptance under the international law and international agreements. So, in China's society, there are difference to fulfill the obligations of international agreement and international law among the different levels, eg., the government and university. In another words, the paper writing is related to the academic questions and it is not regulated by the laws, even though at present there are some important regulations to regulate the paper writing. From the investigation of questionnaire, the question answer is to express the attitude to the science writing and the data. In some degree, the China's paper writer is to take careful for the result of paper publish even if the data and the material of paper is inaccurate or not. Form the Fig 2. some paper withdrawal writers, eg., the above example of Han Chunyu, are achieved in the universities, including the economic treatment, even if the paper is withdrawn, and the paper withdrawal has not much affection on the writer's treatment, including glory and economic treatment in the university and researching body. So, although there are legal and illegal result of the affection, the first aim to publish the paper in the international journals is original force for some China's withdrawal paper writer and ignore the legal result of withdrawal of paper, even if, the writer's paper data violation of the law, eg., criminal laws and intellectual laws. From the above Fig.2, the withdrawal of 64 papers, on 20th Agu.2015, by the Springer Publishing Gropes' Journal, the reasons are focus on the fraud of the examination expert's information on suggestion, opinion, email and so on. In some degree, this is to express the reasons for the Section 3.3 and understand the difference from the cultures.

The Absence of the Accurate Modern Administration System in China's Society

Recently, the China's National Conference call for the nation to establish the accurate administration system and mechanism to meet with the China's New Times, especial the "Double-First-Level Project" in the universities and to cancel distance among the China and the developed countries, however, the above the matter of paper withdrawal by the international journals

means that in the China's society of science, in some field, there are issues of the science for the government and educational administration bodies, eg., the absence of the accurate modern administration system, although there are a serious of laws to regulate the paper writing legal relationship. In last century, China makes a lots of laws, eg., the High Education Law and other administration regulations to regulate the legal relationships, however, by the Savigny (1779-1861)'s Legal Relationship Theory, during the writing paper as the academic issues, the law is not to completely regulate this kind legal relationship, which is combined both the civil legal relationship and other legal relationship. For example, by the China's Civil Law, the writing paper conclude the intellectual rights, which is regulated by the above law, and academic legal matter, which is regulated by administration policy by the educational body and journal¹⁰. Duration of the university of administration, especial the "Double-First-Level Project" process, the writer finishes the paper writing index and create academic issues, eg., the fraud of the data and materials of test date in the paper, not to be sanction by the government and other body ever if the paper is withdrawn by the international journal, so, this fact expresses that in China, at present, the absence of the accurate modern administration system in China's society. Here, as the important example of the above Han Chunyu's matter of the paper's withdrawal, duration of the withdrawal of paper by journal of Nature, the Han's university takes an investigation and at last cancel the glory to Han, which is called non-legal result and administration obligation, in some degree, and the university has a report as the investigation report to certify that the paper has no base to publish in journal and there no errors in the test. This report is criticized seriously by the society from the internet and other universities and it is an example to express that in some degree, the Han's university protects deliberately Han as its member of staff and not to follow the administrative rules of academic matter. This is an example to certify that duration of the paper withdrawal by the international journals there is no complete accurate modern administration system in China's society in some degree.

Of course, the above reasons for the China's paper withdrawal by the international journals, eg., Han Chunyu's paper as the important example, are analyzed by the law and administration in China's society. However, the reasons are from the multivariate aspects, here, others reasons are neglected by writer except the legal administrative reasons.

THE REGULATION OF THE WITHDRAWAL OF CHINA'S TOBACCO REGULATORY PAPERS BY THE INTERNATIONAL JOURNALS BY THE LAW AND ADMINISTRATION

In the above section, the paper summarizes the reasons for the withdrawal of China's tobacco regulatory papers by the international journals from the legal and administrative aspect, including the Savigny(1779-1861)'s Legal Relationship Theory, although the reasons are multivariate at present in China's society. So, the paper shall submit the regulation from the above the reasons for the withdrawal of China's tobacco regulatory papers by the international journals to meet with the modern accurate administration by the China's National Congress and CPP's National Conference.

To Separate the Academic Dispute from the Paper's Withdrawal and to Establish the Academic Dispute Resolution by the Modern Technology

By the Savigny (1779-1861)'s Legal Relationship Theory, the legal matter of the paper's withdrawal include the multivariate disputes, eg., the intellectual rights dispute, civil rights dispute, academic dispute and so on, and needs to be settled by the different methods, eg., litigation and arbitration by the modern technology¹¹. So, to resolve the China's withdrawal paper by the international journals, it is necessary that for China government and the university to separate the academic dispute from the paper's withdrawal and to establish the academic dispute resolution mechanism by the modern technology. Before to discuss the academic dispute system, the first

ical condition is to define the academic dispute. In general view, the academic dispute is about the academic issues, such as, the issue of science researching and project of science, the contents of disputes are related to the academic issues; and the litigant is about the researching body, the criterion are related to the academic. It is a fact that the academic dispute is within the civil disputes and there are special features, and there are special resolution mechanisms. In this mechanism, the special system is that: by the Savigny (1779-1861)'s Legal Relationship Theory, it is needed to establish a government body as the public litigation or arbitration and to make an litigation or arbitration online or non-online to resolve the dispute which is to separate the academic dispute from the paper's withdrawal. However, this is the only beginning for China government to resolve this dispute and there is no great achievement¹².

To Cancel the Index Task for the University and to Punish the Writer of the Withdrawal Paper

With the developing of the high education of China, China is entering into the "Big Mass Step Education Period" for the students. Duration of the New times, the China's government takes some measures to follow the international modern universities to suit to the China's social and economic development. So, in some universities, there are task of paper indexes as the basic achievement checked for China writers. To finish this paper index task, the writer of China takes some measures, eg., the fraud of data and material as the reasons for the writer to be withdrawn, and these activities are illegal. To resolve these issues, it is needed for the universities to cancel the index task and to punish the writer of the withdrawal paper if there are some illegal activities, eg., the fraud of data and material and so on. In the total society environment, it is necessary to establish the sincerity and restrict mechanism, and the university is punished by the law if the university protects deliberately the writer of withdrawal paper in some degree.

To Establish the Modern University System to Promote the Social and Economic Development

As the above analysis of the China's paper withdrawal by international journals, the main reasons are from the China's culture of university, in general, China's university culture distinguish from the international university, especial the West culture civilization, eg. the science specific and inaccurate features. In China's traditional neutral culture, the aim is the top one by the different way even if the way is illegal or not, as the above example of Han Chunyu's paper withdrawal by journal of Nature. In the field of the paper writing, if you have methods to publish paper in the international journals even if the paper is withdrawn in the future for the some illegal and legal reasons, the university has a great affection in the China's society and time shall cancel the illegal affection. For example, the great glory and economic supporting from the central and province government are created to Han and Han's university even if the paper is withdrawn by the journal of Nature. So, to cancel chasm is the first task for the China's government and university and to establish the modern university culture in modern China's university construction as an important section, otherwise, to realize the modern university for China is likely a dream even if there a strong economic supporting by the government. To regulate the modern university culture and to face to the paper withdrawal by international journals, the main culture mechanism are focus on the following measures⁹: one is to establish system to strengthen basic science researching environment and to replace for the practical attitude to the academic researching; the others are to establish the whole honesty environment in China¹⁰. For the writing and publishing the paper, the writer of paper is first person of obligation and honesty to the data and materials of paper and academic opinions, otherwise, there is an important affection on the paper writing and to bear the normal a morality and justice responsibility besides the legal responsibility.

To Establish Modern Accurate Administration to Avoid the Paper's Withdrawal by the

International Journals

In the paper, the analysis of the reasons for the Han Chunyu's paper withdrawal by the journal of Nature is that the data of paper duration of the test is related to the fraud by the writer and the test result in the paper is not copied by the other test, so, the journal of Nature believes that this paper is without the base of publish. In fact, the key reason is that it is not to certify that data and test report is objective and not copied by others. Han and Han's grope do not provide an evidence to certify the data and test report is true. Duration of the paper's withdrawal by journal of Nature, the journal of Nature provides a long time to require Han open the recording and report of the data of the test which is related to the paper by the journal of Nature, in another word, the journal of Nature require the Han's original materials of test, however, the multivariate reasons for the Han and his grope are failure in the providing the data of test. So, from the example of paper's withdrawal by the journal of Nature, the modern accurate administration system are established for the China's universities, although there are some similar administration in present China. To establish the modern accurate administration system are focus on the original reporting and test data by the honesty and security, and on the researchers' honesty attitude to the basic science and researching. In fact, there are some distance for China's journals and international journals from the aspects, eg., the attitude to the writing paper on the protection of the original data and materials of paper, established a serious of paper publishing system, including the choosing paper, publishing paper, sanction of the illegal paper writer by the famous of the international journals, such as, the journal of Science and journal of Natures and others, China shall lean from them and establish the modern accurate administration to avoid the paper's withdrawal by the international journals.

CONCLUSION AND ACKNOWLEDGEMENT

When the Han Chunyu publishes paper in journal of Nature, and it provides the method of editing genome to cure the some diseases, eg., lung cancer

by the tobacco, the whole China believes that Han has a great achievement and then to be supported financially by the governments, the journal of Nature waits for long time to require Han as the writer to provide the original data of test related to the paper and at last withdraws the Han's paper. This is an example for China's writer of tobacco regulatory paper's withdrawal to express China's science to exist the some issues and creates a serious affection in international society. To analyze the reasons for the China's writer of paper's withdrawal, the reasons for this matter are multivariate by the different aspects. In general, the reasons are as follows by law aspects: eg., the writer's absence of legal opinion of law, including the absence of the obligation and rights of publishing contract, the university and researching body to take the index of paper to publish high level papers in the international society as the import task and in some degree to create paper's the withdrawal, reasons for the China's traditional culture and absence of the the modern accurate science training and the accurate modern administration system in China's society. The above reasons for the paper withdrawal are main as the questionnaires investigations conclusion and data analysis, so, to resolve it as the important accurately shall follow the reasons. To regulate this issues, the government and university shall take measures, eg., to separate the academic dispute from the paper's withdrawal and to establish the academic dispute resolution, to cancel the index mask for the university and to punish the writer of the withdrawal paper, to establish the modern university system to promote the social and economic development and to establish modern accurate administration to avoid the paper's withdrawal by the international journals.

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