

## Plagiarism of Scientific Works Viewed from the Perspective of Criminal Law in Indonesia

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### ABSTRACT

The rise in acts of plagiarism of scientific work occurs due to a lack of awareness and understanding of students and academics about the ethics of scientific writing and the consequences of these actions. This research aims to describe the criteria for acts of plagiarism, legal sanctions for acts of plagiarism, efforts to resolve disputes over violations of acts of plagiarism, and strategies for preventing plagiarism in higher education. Type of normative juridical research with a statutory approach. Primary data sources include statutory regulations such as Regulation of the Minister of National Education of the Republic of Indonesia Number 17 of 2010 concerning Prevention and Management of Plagiarism in Higher Education, and Law of the Republic of Indonesia Number 20 of 2003 concerning the National Education System. Secondary data consists of research journals concerned with the legal issue of plagiarism. The research results show that the act of taking or using someone else's creative work without stating the source appropriately and adequately is considered plagiarism. Acts of plagiarism can be subject to administrative sanctions or criminal sanctions. Administrative sanctions include warnings, written warnings, and cancellation of diplomas, while criminal sanctions include imprisonment for a certain period of time and a fine. If an act of plagiarism has occurred, an attempt can be made to resolve it through mediation, but if it cannot be resolved through mediation, then criminal action can be taken. Efforts to prevent plagiarism of scientific works in higher education are carried out through plagiarism-free statements, open access publication of scientific works, and administrative sanctions.

: plagiarism; scientific work; criminal law

### ABSTRAK

Maraknya tindakan plagiat karya ilmiah terjadi karena kurangnya kesadaran dan pemahaman mahasiswa serta akademisi tentang etika penulisan ilmiah dan konsekuensi dari tindakan tersebut. Penelitian ini bertujuan untuk mendeskripsikan kriteria tindakan plagiat, sanksi hukum terhadap tindakan plagiat, upaya penyelesaian sengketa pelanggaran tindakan plagiat, serta strategi untuk mencegah plagiat di perguruan tinggi. Jenis penelitian yuridis normatif dengan pendekatan undang-undang (*statute approach*). Sumber data primer meliputi peraturan perundang-undangan seperti Peraturan Menteri Pendidikan Nasional Republik Indonesia Nomor 17 Tahun 2010 tentang Pencegahan dan Penanggulangan Plagiat di Perguruan Tinggi, dan Undang-Undang Republik Indonesia Nomor 20 Tahun 2003 tentang Sistem Pendidikan Nasional. Data sekunder berupa jurnal-jurnal penelitian yang bersangkutan dengan isu hukum plagiat. Hasil penelitian menunjukkan bahwa perbuatan mengambil atau menggunakan karya cipta orang lain tanpa menyatakan sumber secara tepat dan memadai dianggap sebagai plagiat. Tindakan plagiat dapat dikenakan sanksi administrasi maupun sanksi pidana. Sanksi administrasi berupa teguran, peringatan tertulis, sampai pembatalan ijazah, sedangkan sanksi pidana berupa penjatuhan pidana penjara dalam kurun waktu tertentu dan penjatuhan pidana denda. Apabila telah terjadi tindakan plagiat, maka dapat diupayakan penyelesaian melalui jalur mediasi, tetapi jika tidak dapat diselesaikan dengan jalur mediasi, maka barulah diambil jalur pidana. Upaya pencegahan tindakan plagiat karya ilmiah di perguruan tinggi dilakukan melalui surat pernyataan bebas plagiat, publikasi karya ilmiah secara terbuka (*open access*), dan sanksi administrasi.

**Kata Kunci** : plagiat; karya ilmiah; hukum pidana

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## INTRODUCTION

Writing scientific work in the form of papers, journal articles, theses, theses or dissertations is one of the main activities carried out by students in higher education (Heriyudanta, 2021; Hermawan, 2019; Lubis et al., 2023). To be able to write scientific papers, students are required to be able to master the skills of good and correct writing procedures (Lubis et al., 2023). Therefore, producing a scientific work requires a certain period of time according to the severity of the research. Apart from that, this scientific work requires serious work and a high degree of determination so that the work produced can be scientifically accountable (Fadilla et al., 2023).

The development of Science and Technology has had a very significant impact on education actors, especially in higher education. For example, students tend to use the internet as a tool to produce scientific work, rather than quoting directly from books. It cannot be denied that search sites on the internet (such as Google) make it easier to find various information that students need, one of which can display scientific work in the form of papers, journal articles, theses, theses, dissertations, etc. However, this also creates a sense of irresponsibility among some users because it is easy for scientific works to be copied and pasted and used as their own work without including the name of the owner of the work (Hermawan, 2019; Panjaitan, 2017; Pratiwi & Aisya, 2021). This activity is known as "plagiarism" (Ruslan et al., 2020).

Plagiarism comes from the Latin *plagiarius* which means 'kidnapper' (Pratiwi & Aisya, 2021) or *plagium* which means 'a kidnapping' (Chairunnisa & Majdi, 2022; Riyadi, 2017). According to the origin of this word, plagiarism can be defined as an act of kidnapping someone's work and claiming it as their own (Harliansyah, 2017). Plagiarism is the activity of plagiarizing, taking essays, opinions, and so on from other people to make them look like their own essays and opinions without asking permission and including the sources they use (Hermawan, 2019; Panjaitan, 2017).

This is in accordance with the Regulation of the Minister of National Education of the Republic of Indonesia Number 17 of 2010 concerning Prevention and Management of Plagiarism in Higher Education, article 1 paragraph (1) as follows:

*“Plagiarism occurs when someone intentionally or unintentionally seeks to receive recognition or merit for a scholarly work by incorporating part or all of another individual's work or scholarly content that is acknowledged as their own, without properly and sufficiently crediting the original source.”*

In short, plagiarism is copying and pasting someone else's intellectual product which is misused without mentioning the name of the original author, inventor and initiator (Shadiqi, 2019). Plagiarism can occur intentionally or unintentionally. Intentional plagiarism occurs if the act of plagiarism has been thought about and planned from the start (Wibowo, 2022). Meanwhile, plagiarism is unintentional, if someone includes someone's words, ideas or thoughts in their own writing, but forgets to include the bibliographic source or doesn't know how to cite or quote someone else's work in their writing (Susanti, 2013).

The act of plagiarism is considered a matter of academic ethics-integrity (Pratiwi & Aisya, 2021; Saputra, 2019) and an academic crime (Chairunnisa & Majdi, 2022; Riyadi, 2017), a serious violation in the world of education (Budiman & Widjaja, 2020; Budoyo et al., 2018; Hermawan, 2019). Plagiarism not only damages academic integrity, but also damages the reputation of individuals and institutions (Fatimah, 2018). Plagiarism is considered detrimental, not only for the author whose work is plagiarized, but also causes low creativity and creates a feeling of laziness among plagiarists to look for new ideas in writing scientific papers (Sukaesih, 2018).

In many cases, plagiarists will be subject to academic sanctions, ranging from warnings to expulsion. However, the impact does not stop there, plagiarism can also result in severe social penalties. A person's reputation can be damaged, a career can be destroyed, and in some cases, the perpetrator can face prosecution. Therefore, it is important for education practitioners to always uphold academic ethics and avoid plagiarism (Hestiani & Suriyani, 2023).

Plagiarism in higher education has become a phenomenon that is difficult to avoid (Latif, 2021), often due to a lack of awareness and understanding of students and academics about the ethics of scientific writing and the consequences of these actions (Chairunnisa & Majdi, 2022). Although educational institutions have established strict regulations and provided guidelines to prevent plagiarism, as regulated in the Regulation of the Minister of National Education of the Republic of Indonesia Number 17 of 2010, challenges remain in implementing and enforcing these regulations (Hestiani & Suriyani, 2023).

One of the reasons for plagiarism among students is time constraints (Hermawan, 2019; Lubis et al., 2023), because the time needed to complete the study is not much with the number of lessons that must be studied, so students are in a hurry to get grades to pass their studies (Budiman & Widjaja, 2020; Wachidah, 2013). Lack of skills in research, writing, and source evaluation can also cause students to accidentally commit plagiarism (Fatimah, 2018; Suryana, 2016). This is exacerbated by the availability of easily accessible sources of information via the internet, which are often used without a proper understanding of how to quote and reference ethically (Hermawan, 2019; Hestiani & Suriyani, 2023; Latif, 2021).

The university has attempted to increase awareness through the promotion of codes of conduct and the use of plagiarism detection software such as Turnitin (Budiman & Widjaja, 2020; Wulandari et al., 2023). The Turnitin application can help track whether an article has similarities to other sources on the internet which are expressed in percentage form (Pratiwi & Aisyah, 2021). However, this software has limitations and is not always effective in detecting all forms of plagiarism, so a holistic approach and ongoing education is needed (Harliansyah, 2017; Raihana et al., 2023).

There have been many studies that have examined the issue of plagiarism in scientific works. So far, previous research has examined the issue of plagiarism in scientific works based on the perspective of intellectual property rights (Laoh, 2016; Nawazar & Andiani, 2023). Apart from that, other research examines the issue of plagiarism based on the perspective of Islamic law (Alfarisi, 2018b). Apart from that, other research examines the issue of plagiarism based on the perspective of Islamic law and positive law in Indonesia (Alfarisi, 2018a). Studies regarding plagiarism of scientific works viewed from the perspective of criminal law in Indonesia which also discusses effective strategies that can be used to prevent plagiarism in higher education have not been widely carried out.

Based on the explanation above, this article will describe the criteria for plagiarism in copyright provisions in Indonesia. Apart from that, this article will also present various legal sanctions for acts of plagiarism of scientific work based on applicable laws and regulations, and efforts to resolve disputes over violations of acts of plagiarism, as well as discussing effective strategies that can be used to prevent plagiarism in higher education.

## RESEARCH METHOD

This study employs a normative juridical research approach, specifically a type of library research involving the collection of data, information, and various forms of literature to gather insights and support the study's objectives (Adeffian & Apriani, 2023; Heriyudanta, 2021; Nilhakim, 2021; Sangalang, 2023). Research is studied using a statutory approach, where all regulations related to the legal issues being researched are reanalyzed (Nawazar & Andiani,

2023). Data sources consist of primary and secondary data. Primary data includes statutory regulations such as Regulation of the Minister of National Education of the Republic of Indonesia Number 17 of 2010 concerning Prevention and Management of Plagiarism in Higher Education, and Law of the Republic of Indonesia Number 20 of 2003 concerning the National Education System. Secondary data consists of research journals concerned with the legal issue of plagiarism.

## RESULTS AND DISCUSSION

### A. Plagiarism Criteria

The criteria for plagiarism have been regulated In the Regulation of the Minister of National Education of the Republic of Indonesia Number 17 of 2010 concerning Prevention and Management of Plagiarism in Higher Education, the focus is on outlining measures to prevent and address instances of plagiarism within higher education institutions, article 2 paragraph (1) as follows:

*“Plagiarism encompasses various actions, including but not limited to: a) Directly using terms, words, sentences, data, or information from a source without acknowledging it in the citation or adequately crediting the source; b) Indiscriminately incorporating terms, words, sentences, data, or information from a source without proper citation or acknowledgment; c) Adopting ideas, opinions, views, or theories from sources without properly attributing them; d) Paraphrasing content from sources—using one's own words or sentences—without proper citation; e) Presenting a scholarly work created or published by another individual as one's own without appropriate attribution.”*

Regulation of the Minister of National Education of the Republic of Indonesia Number 17 of 2010 article 2 paragraph (2), what is meant by source is, *“An individual or group of people, each acting for themselves or a group or for and on behalf of an entity, or anonymous producer of one or more works and/or scientific works that are created, published, presented, or published in written form, both printed and electronic.”* They are the creators or copyright holders of the works cited. As creators, they have copyright, including moral rights that require their names to be mentioned if their work is quoted or used for written material or for defense purposes in court (Sinaga et al., 2017).

In accordance with the restrictions in the Regulation of the Minister of National Education of the Republic of Indonesia Number 17 of 2010, it can be underlined that the act of taking or using someone else's copyrighted work is not considered plagiarism if it includes or mentions the source and name of the creator in full. On the other hand, it is considered plagiarism if it does not include the original source.

### B. Legal Sanctions for Plagiarism

Acts of plagiarism can be subject to legal sanctions, both administrative sanctions and criminal sanctions. Regarding administrative sanctions, it has been regulated in the Regulation of the Minister of National Education of the Republic of Indonesia Number 17 of 2010 concerning Prevention and Management of Plagiarism in Higher Education, article 12 paragraphs (1) and (2).

Article 12 paragraph (1):

*“The sanctions for students found guilty of plagiarism, as stipulated in article 10 paragraph (4), ordered from the least severe to the most severe, include: a) Verbal reprimand; b) Issuance of a written warning; c) Suspension of certain student rights;*

*d) Revocation of grades for one or more courses completed by the student; e) Dismissal from student status with honor; f) Dismissal from student status without honor; or g) Revocation of a diploma if the student has graduated from a program.”*

Article 12 paragraph (2):

*“Sanctions for lecturers/researchers/educational personnel who are proven to have committed plagiarism as intended in article 11 paragraph (6), in order from the lightest to the heaviest, consist of: a) reprimand; b) written warning; c) postponement of the granting of rights to lecturers/researchers/educational staff; d) reduction in academic/functional rank and position; e) revocation of the right to be proposed as a professor/professor/principal research expert for those who meet the requirements; f) honorable dismissal from status as lecturer/researcher/educational staff; g) dishonorable dismissal from status as lecturer/researcher/educational staff; h) cancellation of the diploma obtained from the university concerned.”*

Plagiarism in writing scientific papers is an action that can be criminalized. Law Number 20 of 2003 concerning the National Education System regulates not only administrative sanctions but also criminal sanctions against perpetrators of plagiarism in higher education, as in article 25 paragraph (2) and article 70. Article 25 paragraph (2): *“College graduates whose academic, professional, or vocational degrees are obtained through the submission of scientific work must adhere to ethical standards and academic integrity is proven to be a plagiarism and their title is revoked.”*

Article 70:

*“Graduates whose scientific work they use to obtain an academic, professional or vocational degree as intended in article 25 paragraph (2) is proven to be plagiarized shall be punished with a maximum imprisonment of two years and/or a maximum fine of IDR 200,000,000.00 (two hundred million rupiah).”*

In accordance with the explanation above, it can be concluded that, Regulation of the Minister of National Education of the Republic of Indonesia Number 17 of 2010 views plagiarism as an ethically and morally reprehensible act, but does not consider it a criminal act. This can be seen in the formulation of sanctions in the form of administrative sanctions and not criminal sanctions. This is contrary to the provisions of Law Number 20 of 2003 which views plagiarism as a criminal act because there are criminal sanctions in the form of imprisonment for a certain period of time and the imposition of a fine.

Thus, both Regulation of the Minister of National Education of the Republic of Indonesia Number 17 of 2010, and Law Number 20 of 2003 have different perspectives in providing legal protection for creators who are disadvantaged due to acts of plagiarism. These two laws should be in line and complement each other.

### **C. Efforts to Settle Plagiarism Dispute**

Regulation of the Minister of National Education of the Republic of Indonesia Number 17 of 2010 concerning Prevention and Management of Plagiarism in Higher Education has regulated provisions related to resolving disputes that occur due to acts of plagiarism in articles 10 and 11. This article stipulates that before imposing sanctions on plagiarists, several procedures must first be carried out to resolve plagiarism violation disputes.

Article 10:

*“(1) In the event that it is suspected that plagiarism has occurred by a student, the head of the department/department/section makes a comparison between the student's scientific work and the work and/or scientific work that is suspected to be a source that is not declared by the student; (2) The head of the department/department/section asks a fellow lecturer in the same field to provide written testimony regarding the truth of the plagiarism allegedly committed by the student; (3) Students suspected of plagiarism are given the opportunity to defend themselves before the head of the department/department/section; (4) If based on comparisons and testimonies it is proven that plagiarism has occurred, then the head of the department/department/section will impose sanctions on the student as a plagiarist; (5) If any of the comparisons or testimonies cannot prove plagiarism, then sanctions cannot be imposed on the student who is suspected of plagiarizing.”*

**Article 11:**

*“(1) In the event that plagiarism is suspected to have occurred by a lecturer/researcher/educational staff, the Higher Education Leadership makes a comparison between the scientific work of the lecturer/researcher/educational staff with the work and/or scientific work which is suspected to be a source that is not stated by the lecturer/researcher/educational staff; (2) Higher Education Leaders/heads ask the academic senate/other similar organizations to provide written considerations regarding the veracity of plagiarism suspected to have been committed by lecturers/researchers/educational staff; (3) Before the academic senate/other similar organization gives consideration as intended in paragraph (2), the academic senate/other similar organization requests an ethics commission from the academic senate/other similar organization to conduct a review of: (a) the veracity of plagiarism; (b) the proportion of works and/or scientific works of other parties that are recognized as plagiarized scientific works, which are suspected to have been carried out by lecturers/researchers/educational staff; (4) The academic senate/other similar organizations hold a session to discuss the results of the ethics commission's review, and hear the considerations of members of the academic senate/other similar organizations, as well as formulate considerations that will be submitted to the Head/Head of the Higher Education; (5) Lecturers/researchers/educational personnel suspected of plagiarism are given the opportunity to defend themselves before the academic senate session/other similar organizations; (6) If based on the comparison and results of the study it is proven that plagiarism has occurred, then the academic senate/other similar organizations recommend sanctions for lecturers/researchers/educational staff as plagiarists to the Higher Education Leaders/Leaders to be implemented; (7) If one of the comparisons or results of the study cannot prove that plagiarism has occurred, then sanctions cannot be imposed on the lecturer/researcher/educational staff who is suspected of committing plagiarism.”*

This means that if a case can be resolved through mediation, then that route should be done first. But if it cannot be resolved through mediation, then criminal action can be taken. Criminal provisions are intended to provide a deterrent effect to perpetrators of violations. This criminal provision is included in a law as an *ultimum remedium* which is one of the principles contained in criminal law in Indonesia. This principle means that in resolving disputes or legal issues, criminal law should be used as a last resort in law enforcement (Fadilla et al., 2023; Hakim, 2018; Sinaga et al., 2017).

Criminal provisions for acts of plagiarism are regulated in Law Number 20 of 2003 concerning the National Education System article 70. The provisions in this article regulate imprisonment and fines. The maximum prison sentence is 2 (two) years and the maximum fine is IDR 200,000,000.00 (two hundred million rupiah). The National Education System Law regulates it very clearly and includes the threat of criminal sanctions for perpetrators of plagiarism in higher education.

The existence of legal regulations that apply in a higher education environment is very important as an alarm that plagiarism will bring sanctions for the perpetrator. These legal regulations not only provide administrative sanctions and criminal sanctions, but also mandate the creation of a system so that universities are free from plagiarism.

#### **D. Prevention of Plagiarism of Scientific Works**

In this section. Each university is responsible for preventing acts of plagiarism within their respective tertiary institutions. These procedures have been established and regulated in the Regulation of the Minister of National Education of the Republic of Indonesia Number 17 of 2010 article 7.

Article 7:

*“(1) Every scientific work produced in a tertiary institution must be accompanied by a statement signed by the author that: a) the scientific work is free of plagiarism; b) if it is later proven that there is plagiarism in the scientific work, the author is willing to accept sanctions in accordance with the provisions of statutory regulations. (2) Higher education leaders are required to electronically upload all scientific work of students/lecturers/researchers/educational staff which has been accompanied by the statement as intended in paragraph (1) via the Garuda portal (Digital Reference Guard) as the access point for scientific work of students/lecturers/researchers/staff Indonesian education, or other portals determined by the Director General of Higher Education.”*

The Regulation of the Minister of National Education of the Republic of Indonesia Number 17 of 2010 establishes crucial guidelines that serve as valuable references for formulating policies aimed at preventing plagiarism. One of them is the publication of scientific works openly (open access), so that they can be accessed easily through predetermined infrastructure. Scientific work that is managed and stored behind closed doors will make it comfortable for those who plagiarize it because it will be difficult for them to be exposed to the public.

Preventing acts of plagiarism of scientific work can also be done by implementing responsible research methods by providing guidelines for writing final assignments. The guidebook requires that scientific methods be applied, such as having to state the source of the quotation (footnote/bodynote). Of course, these methods must go through other stages, such as having to carry out a literature review, ensuring the novelty or novelty of the writing (Fadilla et al., 2023).

Apart from that, implementing strict sanctions can also reduce plagiarism. When students realize that plagiarism will be met with serious consequences, they will think many times before committing plagiarism. This will create a deterrent effect and trigger the growth of strong academic integrity. The combination of clear terminology and strict sanctions forms an effective basis for minimizing plagiarism. Collaboration between lecturers and students also plays an important role in preventing plagiarism. Lecturers provide appropriate guidance and support students in understanding academic ethics. Encouraging open discussion about

plagiarism and its consequences can help build collective awareness and give students a better understanding of the importance of academic integrity (Hestiani & Suriyani, 2023).

Focusing on prevention programs like the ones above is more strategic than purchasing expensive plagiarism detection software. This kind of software can only detect one aspect of plagiarism (similarity of words or sentences), but cannot cure plagiarism itself (Harliansyah, 2017).

## CONCLUSION

The criteria for plagiarism are regulated in the Regulation of the Minister of National Education of the Republic of Indonesia Number 17 of 2010 concerning Prevention and Management of Plagiarism in Higher Education Article 2 paragraph (1). In accordance with these laws and regulations, the act of taking or using someone else's copyrighted work is not considered plagiarism if it includes or mentions the source and name of the creator in full, whereas it is considered plagiarism if it does not include the original source.

Acts of plagiarism can be subject to administrative sanctions or criminal sanctions. Administrative sanctions in the form of warnings, written warnings, and even cancellation of diplomas, are regulated in the Regulation of the Minister of National Education of the Republic of Indonesia Number 17 of 2010 concerning Prevention and Handling of Plagiarism in Higher Education Article 12 paragraphs (1) and (2), and Law Number 20 of 2003 concerning the National Education System article 25 paragraph (2). Criminal sanctions in the form of imprisonment for a certain period of time and imposition of a fine are regulated in Law Number 20 of 2003 concerning the National Education System article 70.

If an act of plagiarism has occurred, an attempt can be made to resolve it through mediation, but if it cannot be resolved through mediation, then criminal action can be taken. As regulated in the Regulation of the Minister of National Education of the Republic of Indonesia Number 17 of 2010 concerning Prevention and Management of Plagiarism in Higher Education articles 10 and article 11, as well as Law Number 20 of 2003 concerning the National Education System article 70. Efforts to prevent acts of plagiarism of scientific work in higher education are carried out through plagiarism-free statements, publication of scientific work openly (open access), and administrative sanctions, which are regulated in the Regulation of the Minister of National Education of the Republic of Indonesia Number 17 of 2010 concerning Prevention and Management of Plagiarism in Higher Education articles 7 and article 10.

This research is limited to a literature review regarding the extent to which perpetrators of plagiarism of scientific work can be punished based on the perspective of criminal law in Indonesia and is equipped with a review of the strategies implemented to prevent plagiarism in higher education. So further research is needed to test how effective the strategies offered are in preventing plagiarism in higher education.



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