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THE CRIMINALIZATION POLICY AGAINST PLAGIARISM IS LINKED TO LEGAL PROTECTION IN INDONESIA

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Abstract

Plagiarism is not only a violation of the law, but also a violation of Moral Rights, especially when the identity of the author is not mentioned intentionally in the quotation, which is a violation of moral rights. In the context of Copyright, respect for moral rights requires citations from other people's work to be accompanied by clear sources. Plagiarism is considered one of the greatest sins in academia because it threatens the authenticity of the work and scientific integrity. Copyright is usually violated if the material is done without permission from the exclusive rights owner, the purpose of this study is to examine and analyze related to the urgency of legal protection to the copyright owner of scientific works against plagiarism, and to analyze the ideal concept of criminalization policy against plagiarism of scientific work copyright owners in Indonesia in the future, This research method uses normative juridical research methods, the results of this study found that legal protection of copyright owners of scientific works against plagiarism is very important in maintaining academic and scientific integrity. Copyright provides comprehensive protection of the work, covering the economic and moral aspects of the creator. Plagiarism. The policy of criminalizing plagiarism of copyright owners of scientific works in Indonesia in the future requires a holistic approach that includes socio-political, socio-philosophical, and socio-cultural aspects. Criminal law reform needs to clarify the provisions governing plagiarism, including the explicit use of the term "plagiarism" in the Copyright Law, changing the type of offense to ordinary types of offenses to increase the effectiveness of law enforcement, and imposing strict criminal sanctions against plagiarism perpetrators.

Keywords: criminalization, plagiarism, legal protection



A. Introduction

Human beings have the inventiveness, taste, and charities that enable the creation of intellectual works in various fields, including science, technology, art, and literature¹. The heyday of Ancient Greece, marked by the metaphysical thinking of Socrates, Plato, and Aristotle, provided the basis for much contemporary thought, especially in countries with Continental European systems, including Indonesia.

Intellectual work, whether thought or product, produced through the sacrifice of time, energy, and money, has economic value for its creator. This recognition of economic value leads to the concept of intellectual property as an important asset in the corporate world, requiring legal protection to

ensure that the creator can enjoy the economic benefits of his work².

The economic development of intellectual work has influenced the principles of modern government, where the government is not only tasked with maintaining security, but also promoting social welfare and economic progress as part of the country's goals. It includes policies that support and protect intellectual property rights to encourage innovation and economic growth³.

Exclusive rights or priority rights, which are rooted in the Paris Convention and whose principles have been applied in the TRIPs Agreement, offer special protection for intellectual property rights (IPR). First, signatory states are obliged to provide the

¹ Adami Chazawi, *Criminal Act of Intellectual Property Rights (IPR)*, Bayumedia Publishing, Malang, 2007, p. 2.

² Suyud Margono, *Legal Aspects of Intellectual Asset Commercialization*, Nuansa Aulia, Bandung, 2010, p. 3.

³ Yudha Bhakti Ardhiwisastra, *State Sovereignty Immunity at the Foreign Court Forum*, Alumni, Bandung, 1999, p. 17.



same protection to citizens of other member states, as to their own citizens, in terms of industrial property. Second, the concept of priority rights allows applicants who first register IPR in one of the member states to, within a period of 6 or 12 months, apply for protection in other member states as if the registration were made on the same day as the first registration⁴

The implementation of this priority rights system ensures that IPRs registered in other countries will receive juridical protection in the form of exclusive rights in that country during the protection period⁵. It allows foreign nationals of Paris Convention member states to obtain protection from the date of first registration, even before they undertake formal registration in another country. If the registered IPR is used without

permission by another party, either before or after registration, rights holders can file claims for compensation or other legal action to protect and ensure the economic benefits of their work.

Copyright is one form of Intellectual Property Rights that is protected in Indonesia automatically, in contrast to industrial property rights that require registration. Law Number 28 of 2014 regulates significant changes in copyright protection, such as longer protection, increased economic rights for creators, more effective dispute resolution, responsibility of trade venue managers for copyright infringement, and the possibility of copyright as an object of fiduciary guarantee.

Copyrights, along with other industrial property rights, such as trademarks and

⁴ Endang Purwaningsih, *Business Law*, Ghalia Indonesia, Jakarta, 2010, p 134

⁵ Sufiarina, *Priority Rights and Exclusive Rights in IPR Protection*, ADIL, Journal of Law Vol. 3 No. 2.



patents, are granted protection in Indonesian law. Unlike industrial property rights that require a registration process, copyright is automatically protected when an idea is brought into tangible form. Significant changes in Law Number 28 of 2014 concerning Copyright, compared to the previous version, include an extension of the protection period, increased protection of the creator's economic rights, more effective dispute resolution, and the obligation of trade place managers against copyright infringement in their trading places. In addition, copyright can also be used as an object of fiduciary guarantee, and the Minister has the authority to remove works that violate religious, social, and legal norms. Joining the Collective Management Institute also entitles creators and related rights owners to receive royalties, including for works produced in official relations, with

which the institution must obtain an operational permit from the Minister.

Based on the Regulation of the Minister of Education of the Republic of Indonesia Number 17 of 2010 concerning the Prevention and Mitigation of Plagiarism in Higher Education, plagiarism is defined as the act of intentionally or unintentionally trying to obtain credit or the value of scientific work by using part or all of the work of another party without stating the source properly. This responds to the rampant plagiarism cases in universities and shows the seriousness of the government in handling the problem. The handling of plagiarism also has a place in Law No. 20 of 2003 concerning the National Education System, which is then further regulated through the Regulation of the Minister of National Education of the Republic of Indonesia No. 17 of 2010, even though there have been previous regulations in the



Criminal Code and other copyright regulations that have been in force in Indonesia.

Plagiarism is not only a violation of the law, but also a violation of Moral Rights, especially when the identity of the author is not mentioned intentionally in the quotation, which is a violation of moral rights. In the context of Copyright, respect for moral rights requires citations from other people's work to be accompanied by clear sources. Plagiarism is considered one of the greatest sins in academia because it threatens the authenticity of the work and scientific integrity. Copyright is usually infringed if the material is done without the permission of the exclusive rights owner⁶. It is important to note that copyright infringement can occur either through direct plagiarism or substantial

use of the protected work without permission.

The court will determine the offense based on substantiality, not just on quantity, taking into account importance, distinguishing elements, and easy identification of the parts used. Therefore, the assessment of substantiality is based on the quality rather than quantity of the parts used in the work.

The ease of access to information in digital form has increased the incidence of plagiarism among researchers. Plagiarism often occurs due to lack of interest in reading reference sources, poor academic writing skills, and time pressure to complete scientific papers. The lack of support from colleges in plagiarism prevention also contributes to this problem.⁷

Some forms of plagiarism include acknowledging someone else's writing, ideas,

⁶Tim Lindsey, et. al., *Intellectual Property Rights An Introduction*, Alumni, Bandung, 2011, p. 122.

⁷See IGA Sri Darmyani, *Plagiarism in Higher Education*, Jurnal Sains Kedokteran Mecedina, Volume 45, Number 3, September 2014, p. 171.



or findings as one's own, presenting the same writing without citing the source, summarizing or paraphrasing the text without providing proper references, and using someone else's writing without providing clear marking. Moreover, taking an idea without providing adequate annotations about its source is also considered a form of plagiarism⁸.

The blurring of norms in the Copyright Law in Indonesia, especially related to the protection of plagiarism in scientific works, is a major concern. This vagueness mainly occurs because the term "plagiarism" is not explicitly mentioned in the law, making interpretations of the act vary. Although Article 44 requires the inclusion of sources as an absolute condition to avoid copyright infringement, criminal sanctions are not

explicitly explained. This causes confusion in the handling of plagiarism cases and leaves room for different interpretations. To combat this, a revision of the law needs to be made to explicitly include the term "plagiarism" and provide clearer legal affirmation of the act. This step is expected to reduce the blurring of norms in law enforcement, increase effectiveness in handling plagiarism cases, and provide stronger protection for creators. By having an explicit definition in the law, law enforcement will become more efficient and purposeful, as well as strengthen awareness of academic integrity.

There are still weaknesses in regulations governing plagiarism that require policy making in the form of laws and regulations, especially in the criminal aspect. The absence of specific regulations

⁸Nahrowi, Plagiarism and Piracy of Copyright in Intellectual Property Rights, *Salam*, Journal of Legal Philosophy and Culture, accessed via

<https://www.academia.edu/9997804> on September 1, 2020.



governing plagiarism creates a blurring of legal norms, leaving uncertainty about the legal status of the act. In the context of criminal law policy, this blurring of norms encourages the criminalization of plagiarism, which was not previously considered a criminal offense. Therefore, a revision of the law needs to be done to explicitly include the term "plagiarism" and provide clearer legal affirmation of the act. This will help reduce the blurring of norms, strengthen law enforcement, and provide better protections for creators as well as academic integrity.

The criminalization policy is a concrete step in providing protection for victims through the use of criminal law. This step aims to achieve a substantial sense of justice, not just procedural justice limited to legal formalities, but also to pay attention to the context of the case as a whole. Thus, this policy does not only focus on technical or procedural aspects, but also takes into

account the needs of victims to obtain actual justice, thus affirming the importance of contextual aspects in law enforcement.

So the author tries to review in the form of research with the title, "Criminalization Policy Against Plagiarism Associated with Legal Protection in Indonesia".

B. Problem Statement

1. What is the urgency of legal protection to the copyright owner of scientific works against plagiarism?
2. What is the ideal concept of criminalization policy against plagiarism of copyright owners of scientific works in Indonesia in the future?

C. Research Objectives

Based on the description of the previous problem formulation, the objectives to be achieved in this study are as follows: To study and analyze related to the urgency of legal protection



to the copyright owners of scientific works against plagiarism, and to analyze the ideal concept of criminalization policy against plagiarism of scientific work copyright owners in Indonesia in the future

C. Research Methods

In this study, normative legal research methods are used that lead to the discovery of legal rules, legal principles, and legal doctrines to answer the legal issues faced. Primary legal materials are used, including laws and regulations such as the 1945 Constitution, Civil Code, Commercial Code, as well as Copyright Law Number 28 of 2014 and Law No 20 of 2003 concerning the National Education System. Secondary legal materials in the form of textbooks, papers, scientific journals, and scientific articles are also used as support and complement to

research data. Meanwhile, tertiary legal materials such as legal dictionaries, Black's Law Dictionary, and internet sites related to copyright are sources of guidance and explanations to primary and secondary legal materials. By using these various sources, it is hoped that research can be carried out in a structured and in-depth manner to answer the problem formulation and achieve the research objectives that have been set.

D. Research Results and Discussion

1. The Urgency of Legal Protection to Owners of Scientific Work Copyrights Against Plagiarism

The process of learning and teaching in an educational environment, especially in universities, has the main goal of developing science to be more advanced and useful for society. One



important indicator of student success is their ability to compile scientific papers, such as theses, theses, or dissertations. Although there is no official definition in the Big Indonesian Dictionary (KBBI) for scientific papers, it can be concluded that the work is the result of systematic writing on thoughts, observations, and reviews in certain fields⁹.

Writing scientific papers is a reflection of academic achievement and intellectual maturity of students. This process involves research, analysis, and structured expression of ideas, which demonstrates a deep understanding and analytical and synthesis skills of students in their field of study. The presentation of scientific papers in front of the examination team is an important

evaluation stage, which not only measures students' verbal abilities, but also their ability to think critically, respond to questions wisely, and defend the views or findings they have produced. Thus, the writing of scientific papers and their presentations is proof that students have successfully completed their studies, reflecting academic achievement which includes understanding of the material, research skills, and presentation skills, all of which are indicators of their academic maturity.

On the other hand, Copyright is a form of legal protection given to the creator for exclusive rights to his work. This includes the economic and moral interests of the creator, which are

⁹ Kurnisar, *Efforts to Prevent and Overcome Plagiarism in Higher Education, Journal of Bhineka Tunggal Ika*, Vol.3 No.2. Year 2016, p. 50.



governed by applicable laws and regulations. This exclusive right includes all rights inherent in the creator as a result of the application of his intellectual intelligence¹⁰.

Copyright provides comprehensive protection to the creator, covering aspects of his economic and moral interests. Such exclusive rights allow the creator to have full control over the use and dissemination of his work, but are limited by legal provisions to maintain a balance between the interests of the creator and the public. Economic rights are related to permits or prohibitions on the use of copyrighted works, while moral rights include non-economic rights such as recognition as creators and maintaining the integrity of

works. Although differentiated in the analysis, copyright treats both as integral parts of the ownership rights of copyrighted works, emphasizing the importance of a balance between the protection of moral rights and economic incentives. Copyright provides protection for works in various fields, reflects the value of human intellect and contributes to human dignity and existence as well as life as a whole¹¹.

Works in the fields of science, art, and literature have great significance for humans and society. Copyright aims to protect this intellectual expression as a form of recognition of the creator's value and contribution. Such works affect not only the artistic aspect, but also the social status of the creator in society. People's

¹⁰ Eddhie Praptono, *Legal Protection of Song Copyright Holders Reviewed from Law No. 19 of 2002*, SOSEKHUM Journal, Vol.4 No. 6 March 2009, p. 33.

¹¹ Farida Hasyim, *Commercial Law*, Sinar Grafika, Jakarta, 2009, pp. 186-187.



appreciation of the work can enhance the creator's reputation and social position, while the inner satisfaction and sense of pride of the creator himself are also important. In the context of Copyright, the protection of moral rights helps prevent violations such as plagiarism, maintain the integrity of the work, and ensure proper recognition of the creator. Copyright Law provides important protection for creators of scientific papers, asserts their economic and moral rights.

Economic rights, as stipulated in Article 8 of the UUHC, give creators the exclusive right to obtain economic benefits from their work, allowing them to control the commercial use of scientific papers and receive royalties. This right provides incentives to creators to continue to produce quality work. On the other hand, moral rights, as explained

in Article 5 of the UUHC, are the inherent rights of the creator to be recognized as the creator and maintain the integrity of the work. This protection of economic and moral rights creates a strong legal foundation to encourage creativity and innovation in the scientific field, as well as prevent misuse of scientific papers and reward the efforts and dedication of creators.

Plagiarism is a disgraceful act in which a person copies or takes someone else's work and claims it as his own. This is often considered a violation of ethics, although it is not always considered a violation of the law. Nonetheless, some jurisdictions have laws governing plagiarism, while in others, plagiarism is considered more of a violation of academic ethics than a violation of the law. The practice of plagiarism is still common in higher education settings,



although it is of great concern because it violates copyright, ethical norms, and laws. This violation is considered theft because it takes the property rights of another person without permission, causing harm to the original owner. Concern over the prevalence of plagiarism in higher education highlights that this act is not only an ethical and moral violation, but also includes aspects of copyright and legal infringement. Emphasizing the concept of "theft" to describe plagiarism shows the seriousness of the issue and its significant impact on the original creator.

Plagiarism in scientific papers damages the image of higher education in Indonesia, infecting not only students but also academics. This practice

threatens the integrity and quality of higher education and tarnishes academic ethical standards. Public trust in higher education is being eroded, while academic integrity is being questioned¹².

Education about research ethics and copyright needs to be improved to prevent plagiarism. Advances in information technology facilitate this practice, demanding awareness of its impact in developing prevention strategies in universities. Thus, increased understanding of research ethics and tighter supervision in educational institutions are important steps to overcome the problem of plagiarism and restore academic integrity.

Plagiarism is not only against the law, but also ethical principles in academia. When violations of the law

¹² Aditya Pratama, *Development of Information and Communication Technology in an Effort to*

Overcome Plagiarism Among Students, SAP Journal - Unindra, Vol. 3 No. 2 December 2018, p. 116.



occur, law enforcement becomes important to maintain justice, expediency, and legal certainty in society. In the context of plagiarism, law enforcement should be complemented by ethical education to raise awareness among the academic community. Although technology provides easier access to information, the practice of plagiarism can hinder students' intellectual and moral development¹³. This can affect the development of thinking, reduce academic honesty, interfere with self-image, and potentially harm their future academic prospects. Therefore, supporting ethical education and learning that encourages critical and creative thinking is expected to form an honest academic culture and support the

moral and intellectual development of students.

Dissemination of academic work through institutional repositories with free access provides benefits in disseminating knowledge, but also carries the risk of plagiarism. In this context, extra attention to ethics and security is required in repository management, as well as measures to prevent or detect plagiarism.

Incomprehension about plagiarism and lack of enforcement of social and legal sanctions have caused plagiarism to become a persistent problem in Indonesia. The two main aspects that led to its persistence were a lack of understanding of plagiarism and academic ethical norms, as well as a lack of firmness in imposing sanctions.

¹³ Putu Ambarawati and I Wayan Purwanto, *Arrangements for Taking Writing on Thesis Papers in*

Avoiding Plagiarisme, Jurnal Kertha Semaya – Unud, Vol. 8 No. 1, December 2019, p. 120.



Awareness of the consequences and consistent measures to tackle plagiarism are necessary to create a dignified and ethical academic environment in Indonesia.

The practice of plagiarism is a crucial subject of research because it continues to occur on an ongoing basis, driven by the rapid development of information technology and technological convergence. Cases in which professorships were revoked for plagiarism were highlighted in the spotlight, signaling a response to unethical practices and an attempt to cultivate academic integrity.

The application of sanctions against students who commit plagiarism is regulated in the Regulation of the Minister of National Education No. 17 of

2010, with layered academic procedures.

This step aims to create an academic environment that maintains integrity and gives a firm message that the practice of plagiarism will not be tolerated in the world of education.

Plagiarism can be considered to occur and infringe copyright if it meets three main elements: it is committed against a copyrighted work, there is evidence of copying or copying the work, and the act involves copyright infringement¹⁴.

Various forms of plagiarism in writing written works or scientific works involve, but are not limited to, citing terms, words, sentences, data, or information from a source without providing notes, quotations, or without mentioning the source adequately, using

¹⁴ Huller Gabe Dimpos Sinaga Runtung Sitepu, *Legal Protection of Scientific Works from Plagiarism*

According to Applicable Laws and Regulations, USU Law Journal , Vol.5 No.3 October 2017, p. 197.



terms, words, sentences, data, or information from a source without providing citation notes or without mentioning the source adequately, adopting ideas, opinions, views, or theories from certain sources without stating the source adequately, formulating ideas, opinions, views, or theories from other sources in their own words or sentences without mentioning the source adequately, and submitting scientific works produced or published by others as their own scientific work without adequately stating the source¹⁵.

Plagiarism in university settings, especially those involving academics, should be a serious concern. Although such cases are often not disclosed openly in the mass media, they have a serious impact on integrity and trust in

academia. Proper legal handling is necessary for this kind of ethical violation. In addition to administrative sanctions such as reprimands, revocation of diplomas, and dismissal from office, more serious legal measures can be applied according to the degree of violation and the applicable regulations of the educational institution. Plagiarism, both by students and lecturers, can damage the reputation of academics and educational institutions, so effective and in-depth enforcement is essential. Plagiarism factors such as weak academic ethics, lack of legal sanctions, and lack of original filtering mechanisms, must be taken seriously to create a healthy and dignified academic environment¹⁶. Thus, strict preventive and enforcement measures need to be

¹⁵ *Ibid.*, p. 198.

¹⁶ Sere Beatrix Eugenie Simanjuntak, *Copyright Legal Protection Against Plagiarism of*



implemented to prevent and overcome plagiarism practices.

The first step in tackling plagiarism is raising awareness about its consequences among students and lecturers. In addition, the development of sophisticated plagiarism detection systems can also help detect plagiarism practices before the work is published. The importance of a meticulous examination of scientific work to ensure the originality and real contribution of the author is also indisputable. In addition to sanctions, it is also necessary to emphasize the importance of supporting an academic culture that encourages creativity, integrity, and cooperation in creating new knowledge. Although written works are protected by copyright, there are exceptions that

allow the use of some works on the condition that they do not harm the reasonable interests of the creator or copyright holder. The importance of understanding copyright rules, especially with regard to substantial parts of the work, is key in preventing copyright infringement. The concept of "reasonable interest" refers to the balance between creators' rights and the public's need to access information fairly, which must be carefully guarded to maintain the integrity of copyright.

Student motivation to plagiarize can be influenced by several factors which include lack of attractiveness and understanding of the way lecturers teach, ease of access to information via the internet, public perception of academic success related to final grades or high

Written Works in Higher Education, Thesis, USU Medan, 2018, p. 66.



GPA, lack of strict sanctions against plagiarism perpetrators, deadline pressure, and difficulty in writing papers¹⁷.

Legal analysis of plagiarism reflects the complex challenges of enforcing honest academic behavior. The importance of supporting an academic culture that encourages creativity, integrity, and cooperation also needs to be emphasized, along with awareness of the more serious legal consequences for plagiarism offenders. Legal regulations in Indonesia include administrative sanctions, fines, and even criminal sanctions related to plagiarism¹⁸.

However, plagiarism practices are still common, especially in higher education environments. The need for stricter law enforcement and ethical awareness among academics is key in effectively addressing this plagiarism problem. In addition, the application of responsible research methods and the use of final project writing guidelines that comply with research ethics standards are also needed to prevent plagiarism¹⁹. Open journal online systems such as the Open Journal System (OJS) also play an important role in fighting plagiarism by enforcing strict policies and using plagiarism detection software. Overall, a holistic approach that includes preventive, law enforcement, and ethical

¹⁷ Yuliati, *Legal Protection for Creators Related to Plagiarism of Scientific Papers in Indonesia*, Journal of the Legal Arena, Vol. 6, April 2012, p. 62.

¹⁸ Eddy Damian, *Plagiarism and Piracy as a Violation of Copyright Law*, Indonesian Journal of International Law, Vol. 3 No.2 January 2006, p. 203.

¹⁹ Andika Rifqi Fadilla, Haryadi, Mohamad Rapik, *Plagiarism of Scientific Papers in the Lens of Criminal Law*, Journal of Criminal Law, Volume 4 Number 1, 2023, p. 154.



education aspects is key in dealing with plagiarism issues in the campus environment.

2. The Ideal Concept of Criminalization Policy for Plagiarism of Copyright Owners of Scientific Works in Indonesia in the Future

Reform of the criminal law is needed when an act causes unrest in society without being able to be criminalized. Barda Nawawi Arif emphasized that criminal law reform involves socio-political, socio-philosophical, socio-cultural, and criminal policy aspects²⁰.

The policy approach involves addressing social problems, protecting society from crime, and improving the

effectiveness of law enforcement. Meanwhile, the values approach involves a review of the values underlying criminal law.

In terms of copyright, automatic protection from the state provides convenience for creators. However, registration is still recommended for stronger protection and easier legal processes in the future. The balance between automatic copyright granting and the registration process supports innovation and creativity, while effectively enforcing creators' rights.

Although no reports of plagiarism cases have reached the courts, the Copyright Act provides a legal basis for dealing with plagiarism as a criminal offense. However, the terms

²⁰Barda Nawawi Arief, *Potpourri of Criminal Law Policy*, PT. Citra Aditya Bakti, Bandung, 2002, p, 25.



"plagiarism" and "autoplagerism" are not explicitly mentioned in the law, which can be challenging in law enforcement at the criminal level. Article 44 of the Copyright Law emphasizes the importance of including sources to avoid copyright infringement. Failure to provide a complete source may be considered copyright infringement, even if the threat of criminal sanctions is not explicitly explained. Even if the source is listed, retrieval of material may still be considered copyright infringement if it harms the reasonable interests of the creator. This restriction is qualitative, emphasizing the importance of respecting the interests of creators and copyright holders. This qualitative restriction emphasizes that substantial

appropriation of a copyrighted work, without citing the source, may be considered copyright infringement. Therefore, the act of plagiarism can be considered a reasonable consequence if it is done without the permission of the copyright owner.

The substantiality of taking copyright material is the main parameter in assessing infringement. Listing sources is an important step in preventing it, while an understanding of "substantial partial" provides guidance for authors²¹. The Indonesian legal system offers the option of resolving copyright disputes through criminal channels and civil lawsuits, with an emphasis on peace. However, in the context of autoplagerism, regulations

²¹ Widiada Gunakaya, *System Approaches and Policies in Law Enforcement in Indonesia*, Journal of Legal Insights, Volume. 7, No. 1, March 2002, p.130.



have not provided clear guidance, and reliance on complaints from aggrieved parties points to the need for a change in legal approach to improve the effectiveness of law enforcement²².

There are several main factors that cause the absence of criminalization of plagiarism in law, one of which is the lack of firmness in regulations governing plagiarism as a criminal offense²³. Then there are some suggestions to improve this situation. First, revision of the articles governing plagiarism in the future, by expressly including the term "plagiarism" in the Copyright Law²⁴.

This revision is important because although the Copyright Act demands the inclusion of a source, the act of

plagiarism without listing the source can be considered copyright infringement. Second, the type of offense in the Copyright Law is changed to the type of ordinary offense, so that law enforcement can be more active and the public can be involved in reporting plagiarism cases. Third, impose strict criminal sanctions on plagiarism perpetrators to strengthen law enforcement. With strict sanctions, it is expected to overcome the increasing cases of plagiarism caused by the lack of firmness in regulations.

Consideration of input related to the incompatibility and lack of criminal provisions in the Copyright Law is very important in the process of forming

²² David Hardiogo, Syafrinaldi, *Principles of Legality and Self Plagiarism: The Antinomy of Empirical Reality as a Projection of Special Criminal Regulation in the Field of Copyright*, Volume 6 Issue 2 2022, p. 2.

²³ David Hardiogo, Syafrinaldi, *Principles of Legality and Self Plagiarism: The Antinomy of*

Empirical Reality as a Projection of Special Criminal Regulation in the Field of Copyright, Volume 6 Issue 2 2022, p. 7.

²⁴ Gloria M. S. Laoh, *Plagiarism in the Scope of Education Reviewed from Law Number 28 of 2014 concerning Copyright*, Journal of Lex et Societatis, Vol. IV/ No. 2/Feb/2016, p. 144.



future laws. The three criteria points that have been mentioned, such as the factor of the absence of criminal provisions, the birth of the assumption that plagiarism is not protected by only being regulated in one article in the UUHC, and the ability of law enforcement officials, show the need for clearer details and reinforcement in legal provisions related to plagiarism.

Regulations related to plagiarism in Indonesia are indeed scattered in several laws and regulations, but there are differences in the elaboration and clarity in each of these regulations. For the next step, combining and clarifying criminal provisions related to plagiarism in one specific law or article can help provide a stronger legal foundation. This is not only to deal with plagiarism in the context of copyright, but also as a more

effective prevention and enforcement effort.

It is also important to involve key stakeholders, such as academics, legal practitioners, and law enforcement, in the process of formulating and amending such laws in order to reach a comprehensive and sustainable agreement.

The adoption of criminal law as a model to prevent and deal with various deviations in society should be done wisely. Criminal law should be considered as a last resort after consideration of various norms prevailing in society. Thus, the existence of criminal law becomes the last solution that can be used to deal with any



problems or deviations that arise in society²⁵.

The practice of plagiarism that is still a problem in Indonesian society is caused by incomprehension of the concept of plagiarism, lack of clear academic ethical boundaries, and lack of firmness in imposing social and legal sanctions for plagiarism perpetrators. In addition, the incompetence of law enforcement officials is an additional reason to update new forms of plagiarism in future revisions of the Copyright Law. Analysis of copyright law shows that plagiarism, which is considered a criminal offense violating the moral rights of the creator, has a serious impact on the ideals of the Indonesian nation as stated in the

Constitution of the Republic of Indonesia. Therefore, there is a push to strictly and in detail regulate plagiarism in regulations to maintain integrity, protect creators, and promote the values carried by the state.

From the analysis of the criteria on which criminalization is based, it is concluded that plagiarism meets the standards to be considered a criminal act. However, it is important to ensure that the qualifications of *certa* (clear) and *stricita* (firm) in the principle of legality are met in relation to plagiarism. Therefore, it will be explained in more detail about the limitations that can establish an act as plagiarism in the next sub-chapter.

²⁵ Hulman Panjaitan, *Criminal Sanctions for Plagiarism in Positive Law in Indonesia*, Journal of Law tô-râ, Volume 3 No. 2, August 2017, p. 58.



Plagiarizing in writing scientific papers is considered a punishable act and has serious punitive consequences. Sanctions that can be applied include revocation of degrees, cancellation of diplomas, and even the threat of imprisonment. If the plagiarism offender aims to obtain an academic, professional, or vocational degree, the punitive consequences may include revocation of the degree and cancellation of the diploma. Additional sanctions such as dismissal from professorial, professional, or principal research expert positions may also be imposed, the decision of which is usually taken by the authorized official²⁶.

Protection of the integrity of scientific paper writing is upheld, with severe penalties imposed to prevent and

punish plagiarism perpetrators, especially those who use scientific work for academic and professional purposes. Legal regulations related to plagiarism establish an important basis in maintaining order and legal certainty, especially in the university environment, with policy enforcement aimed at responding to and preventing plagiarism acts that harm academic and scientific integrity²⁷.

Law enforcement should be carried out proportionately, considering the scope and duties of responsible institutions, and involve good cooperation between academic authorities, supervisory agencies, and related agencies. Although criminal threats are available in some regulations, the punishment of plagiarism

²⁶ Aditya Pratama, *Development of Information and Communication Technology in an Effort to Overcome Plagiarism Among Students*, SAP Journal - Unindra, Vol. 3 No. 2 December 2018, p. 133.

²⁷ Andika Rifqi Fadilla, Haryadi, Mohamad Rapik, *Plagiarism of Scientific Papers in the Lens of Criminal Law*, Journal of Criminal Law, Volume 4 Number 1, 2023, p. 155.



perpetrators is ambiguous and not based on a definite legal basis, so emphasis is placed on the importance of building a dignified academic culture and clean from unethical practices, with an administrative approach considered a fairly effective method in handling plagiarism, and criminal sanctions should be a last resort.

E. Closing/Conclusion

Legal protection of copyright owners of scientific works against plagiarism is very important in maintaining academic and scientific integrity. The process of writing scientific papers is a reflection of academic achievement and intellectual maturity of students, which is seen as an indicator of success in higher education. Copyright provides comprehensive protection of the work, covering the economic and moral aspects of the creator. Plagiarism, as a disgraceful act that violates copyright and

ethical norms, should be dealt with seriously with strict law enforcement and increased ethical awareness among academics. In addition to legal sanctions, the application of responsible research methods and the learning of research ethics are also necessary to prevent plagiarism and support an honest and dignified academic culture.

The policy of criminalizing plagiarism of copyright owners of scientific works in Indonesia in the future requires a holistic approach that includes socio-political, socio-philosophical, and socio-cultural aspects. Criminal law reform needs to clarify the provisions governing plagiarism, including the explicit use of the term "plagiarism" in the Copyright Law, changing the type of offense to ordinary types of offenses to increase the effectiveness of law enforcement, and imposing strict criminal



sanctions against plagiarism perpetrators.

It is also important to involve key

stakeholders in the process of changing

laws to reach a comprehensive and

sustainable agreement. Severe criminal

sanctions, such as revocation of degrees

and cancellation of diplomas, need to be

applied to prevent and punish plagiarism

perpetrators who harm academic and

scientific integrity. Nonetheless, law

enforcement should be conducted

proportionately, with an emphasis on

building an academic culture clean of

unethical practices and administrative

approaches as effective methods, while

criminal sanctions should be a last resort

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