



Juridical Review Of Efforts To Eradicate The Crime Of Plagiarism Of Scientific Writing In Indonesia

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Abstract

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Currently the practice of plagiarism has already become a habit in achieving something you want. And even worse, there are many students whose lives depend on this practice. This then becomes the background of the question in this research, namely: how are efforts to prevent and overcome the occurrence of the crime of plagiarism of scientific papers among students? This study aims to find out how efforts to deal with criminal acts of plagiarism of scientific papers. This type of research is normative juridical research, using a statutory approach. The basis of the theory that the author uses is using the theory of relative (deterrence). The results of this study indicate that Law no. 20 of 2003 concerning the National Education System, plagiarism that can be punished is punishable under the provisions of Article 70, namely regarding Article 25 paragraph (2), that graduates in tertiary institutions whose scientific work is proven to be plagiarized have their title revoked. However, provisions regarding graduation requirements and degree revocation are further regulated by government regulations, namely Government Regulation of the Republic of Indonesia No. 17 of 2010 concerning Prevention and Management of Plagiarism in Higher Education. Efforts made to prevent the occurrence of the crime of plagiarism of scientific writing is by increasing the ability of teachers/supervisors, students regarding the substance of research ethics.

Saat ini praktek plagiarisme sudah menjadi sebuah kebiasaan dalam mencapai sesuatu yang diinginkan. Parahnya lagi, masih banyak pelajar yang hidupnya bergantung pada praktik tersebut. Hal inilah yang kemudian menjadi latar belakang pertanyaan dalam penelitian ini, yaitu: bagaimana upaya pencegahan dan penanggulangan terjadinya tindak pidana plagiarisme karya ilmiah di kalangan mahasiswa? Penelitian ini bertujuan untuk mengetahui bagaimana upaya penanganan tindak pidana plagiarisme karya ilmiah. Jenis penelitian ini adalah penelitian yuridis normatif, dengan menggunakan pendekatan perundang-undangan. Landasan teori yang penulis gunakan adalah menggunakan teori relatif (pencegahan). Hasil penelitian ini menunjukkan bahwa UU No. 20 Tahun 2003 tentang Sistem Pendidikan Nasional, tindakan plagiarisme yang dapat dipidana diancam dengan pidana berdasarkan ketentuan Pasal 70, yaitu mengenai Pasal 25 ayat (2), bahwa lulusan perguruan tinggi yang karya ilmiahnya terbukti melakukan plagiat, dicabut gelarnya.

Namun ketentuan mengenai syarat kelulusan dan pencabutan gelar diatur lebih lanjut dengan peraturan pemerintah yaitu Peraturan Pemerintah Republik Indonesia No. 17 Tahun 2010 tentang Pencegahan dan Penanggulangan Plagiarisme pada Perguruan Tinggi. Upaya yang dilakukan untuk mencegah terjadinya tindak pidana plagiat karya tulis ilmiah adalah dengan meningkatkan kemampuan guru/pembimbing, siswa mengenai substansi etika penelitian.

INTRODUCTION

In this modern era, humans are required to always move quickly to produce something. Likewise with academics, especially students, who are always required to quickly complete their tasks and obligations. The existence of very sophisticated technology makes it very possible for everything to be done quickly. Students are often given very little time to complete their assignments, so students often complete their assignments instantly. Students often misuse technology to facilitate their interests.

One of the cases that the author quoted from Kumparan News on January 30 2018, was experienced by universities that plagiarized scientific papers, including the case of Mochamad Zuliansyah in 2010, the title of his dissertation was "*3D topological relations for 3D spatial analysis.*" Evidence of plagiarism was found in the dissertation. he. So Mochammad Zuliansyah was proven to have plagiarized a dissertation written by Siyka Zlatanova, whose

Title was "*On 3D Topological Relationship*". As a result of this incident, Mochammad Zuliansyah's doctoral degree was declared invalid by ITB. Mulyana himself conducted research on students of the Regional Language Education study program at UNY in 2010, who were completing their thesis, Mulyana also encountered several acts of plagiarism, the types of acts of plagiarism that had been committed were very varied and varied, including plagiarizing the title of someone's work. others, the substance of other people's writings, theories put forward by other people, data created and references belonging to other people. (<https://kumparan.com/kumparannews/4-akademisi-tanah-air-yang-caught-in-plagiarism- case/full>)

Another example of this case was experienced by a lecturer at the Faculty of Economics and Business (FEB), Gadjah Mada University (UGM), Anggito Abimanyu. Anggito, who at that time served as Director General of Hajj and Umrah Organizers at the Ministry of Religion, later resigned as a lecturer at FEB. Anggito, who is a PhD graduate lecturer from the University of Pennsylvania, also expressed his apologies to the parties who were harmed by his mistake. Plagiarism by FEB UGM lecturer, Anggito Abimanyu, was revealed in 2014. Anggito's article in a national newspaper entitled Ideas for Disaster Insurance, plagiarized the writing of UI Lecturer, Hotbonar Sinaga, entitled "Initiating Disaster Insurance" on July 21 2006. The plagiarism case that ensnared Anggito for his writing which was published on February 10 2014, began from a writer's complaint on the

UGM Writers forum. Then in mid-February 2014, Anggito officially admitted that he had made a mistake in citing references in a folder on his personal computer. (<https://kumparan.com/kumparannews/4-akademisi-tanah-air-yang-terjerat-case-plagiarisme/full>)

The problem that often occurs with students is that they quote or write reference sources, both primary and secondary, without including the author. (Isnawati et al., 2021).

Plagiarism is often connoted only as an ethical violation, not as an act against the law. For the legal community, unlawful acts can be categorized into several types. In this context, acts against criminal law (*wederrechtelijkheid*) are the most relevant to relate. For this reason, Law Number 28 of 2014 concerning Copyright has clearly regulated it. (shidarta, 2015) Plagiarism is a serious wrongdoing which means stealing the original author's work so that critical thinking patterns become unsharpened and over time become a habit. This means that by committing plagiarism a person will not only become stupider, but more than that they will violate government rules and regulations. (Wibowo, 2012).

Table 1. Causes of Plagiarism

No	Intentional	Accidental
1	occurs if the act of plagiarism has been thought about and planned from the start	This can happen by quoting long or short but then forgetting to include the name of the original author and the source of the information
2	don't have enough time to produce your own written work	not knowing how to place references that should be made in a written work or how to quote properly and correctly
3	do not have the ability to produce their own work	don't know how to paraphrase
4	Thinking that readers couldn't possibly know	Feeling that the writing is not a scientific works such as popular short stories so think it is not necessary to write the author's name and sources of information cited.
5	especially for students who think that the supervisor will not know about the act of plagiarism maybe don't even care	
6	pretend not to know and don't understand plagiarism	

Source : (Wibowo, 2012)

According to this law, copyright (*copy right*) is the exclusive right of the creator which arises automatically based on the declarative principle after a work is realized in real form without reducing restrictions in accordance with the provisions of statutory regulations. Exclusive rights are rights that are only intended for the creator or recipient of the copyright. If someone else wants to use the work, this person must first obtain permission from the creator or recipient of the copyright. (shidarta, 2015)

Article 44 of the Copyright Law makes a negative formulation with the following words: "The use, taking, duplication and/or modification of a work and/or related rights product

In whole or in substantial part is not considered a copyright violation if the source is stated or included in full for the purposes of: (a) education, research, writing scientific papers, preparing reports, writing criticism or reviewing a problem without harming the reasonable interests of the creator or copyright holder; (b) etc..." "The formulation of Article 44 letter a needs to be carefully observed. From the sound of these provisions it is clear that the requirement to include sources is an absolute requirement to be free from violations. "This means that if the source is not stated, this article automatically categorizes the action as a copyright violation, even though the criminal sanctions do not explicitly mention the threat of sanctions if there is a violation of Article 44 of the Copyright Law." (shidarta, 2015)

It is truly ironic and very embarrassing for people who plagiarize and for academic institutions where pupils or students complete their coursework by pirating other people's written work without the permission of the original author or at least including the name of the original author in the written work. The Indonesian state has actually implemented a law regarding plagiarism which is contained in the 2010 Republic of Indonesia Minister of National Education Regulation No. 17 regarding the prevention and control of plagiarism in higher education, article 1 paragraph (1) states that "plagiarism is an act intentionally or unintentionally in obtaining or trying to obtain credit or marks for a scientific work, by quoting part or all of the work and/or scientific work is recognized as scientific work, without stating the source accurately and adequately."

The theoretical basis used to discuss efforts to eradicate the crime of plagiarism is using "relative theory (deterrence), where this theory views punishment not as retaliation for the perpetrator's mistakes, but as a means of achieving useful goals to protect society towards prosperity. From this theory emerges the aim of punishment as a means of prevention, namely general prevention aimed at society. Based on this theory, punishment

is imposed to carry out the aim or purpose of the punishment, namely to improve community dissatisfaction as a result of the crime. "The purpose of punishment must be viewed ideally, apart from that, the purpose of punishment is to prevent crime." (Ayu Efridadewi, 2020)

The above phenomenon is the focus of the discussion in this article, namely how to prevent and overcome the criminal act of plagiarizing scientific papers among students?

RESEARCH METHODS

This research uses normative juridical research, namely research that approaches the main legal materials by examining statutory regulations (Arliman S, 2018). Primary legal materials consist of laws and regulations related to the offense of plagiarism of scientific papers. Then secondary legal materials consist of international conventions, books, journals, articles and other literature related to the problems studied. Meanwhile, primary legal materials are in the form of encyclopedias and dictionaries. Collecting legal materials is carried out through document or library studies. The approach used is a statutory approach and a philosophical approach. The statutory approach is carried out by reviewing all laws and regulations relating to the research being carried out. Meanwhile, the philosophical approach is carried out by examining in depth the background to which a legal rule or concept is created, by basing the discussion on legal philosophy theory revolving around issues of the essence, values, methods and also the objectives of a legal rule. The legal materials that have been collected are then analyzed qualitatively, comprehensively and completely. Qualitative analysis is describing legal materials in the form of sentences that are orderly, coherent, logical, non-overlapping and effective, making it easier to interpret legal materials and understand the results of the analysis. Comprehensive means analyzing legal materials in depth from various aspects according to the scope of the research. Meanwhile, complete means no parts have been missed, everything has been included in the analysis.

LITERATURE REVIEW

The theoretical basis used to discuss efforts to eradicate the criminal act of plagiarism is using relative theory (deterrence), where this theory views punishment not as retaliation for the perpetrator's mistakes, but as a means of achieving useful goals to protect society towards prosperity. From this theory emerges the aim of punishment as a means of prevention, namely general prevention aimed at society. Based on this theory,

punishment is imposed to carry out the aim or purpose of the punishment, namely to improve community dissatisfaction as a result of the crime. "The purpose of punishment must be viewed ideally, apart from that, the purpose of punishment is to prevent (prevention) crime (Ayu Efridadewi, 2020).

Criminal action is not just for retaliation or compensation for people who have committed a criminal act, but has certain useful purposes. Retaliation itself has no value, but is only a means of protecting the interests of society. The basic justification for criminal law lies in its aim being to reduce the frequency of crime. Punishment is imposed not because people commit crimes, but so that people do not commit crimes. So this theory is often also called goal theory (*utilitarian theory*). The main characteristics or characteristics of relative (*utilitarian*) theory are:

- 1) The aim of crime is prevention;
- 2) Prevention is not the final goal but only a means to achieve a higher goal, namely the welfare of society;
- 3) Only legal violations that can be blamed on the perpetrator (for example, intentionally or culpably) meet the requirements for criminal punishment;
- 4) Punishment must be determined based on its purpose as a tool for preventing crime;
- 5) Criminal law looks forward (prospective in nature), punishment can contain an element of reproach, but the element of retaliation cannot be accepted if it does not help prevent crime in the interests of the welfare of society.

Based on the theory of legal objectives, every legal regulation that is made must fulfill the principles of benefit, legal certainty and justice. The form of sanctions in the National Education System law also states two forms of sanctions, namely "*imprisonment and fines*".

Classify the following as acts of plagiarism:

- 1) Acknowledging other people's written work as their own writing;
- 2) Claiming someone else's idea as one's own thought;
- 3) Claiming someone else's discovery is considered to be one's own discovery;
- 4) Claiming a group's scientific work which is considered ownership or the result of one's own hard work;
- 5) Providing similar written work on different occasions without mentioning its origin;
- 6) Make a summary and also paraphrase (quote indirectly) without mentioning the source, and;
- 7) Make a summary and paraphrase by citing the source, but the sentence sequence and

word preferences are too similar to the source. (Untodewo, 2007).

RESULTS AND DISCUSSION

Based on etymology, as a verb, plagiarism is "to plagiarize" literally translated as the act of cheating and plagiarizing. Echols and Shadily translate plagiarism as plagiarism, plagiarism. The perpetrator is called a plagiarist. (Shadily, 1983).

In his book "Writing Scientific Essays", Brotowidjojo explains plagiarism as an act of copying and pirating the use of facts, words in sentences from other people without authorization, disclosures and explanations from other people. (Brotowidjojo, 1993). People who commit plagiarism can be called plagiarists. A student or university student often encounters problems. For example, they quote or write references from sources, both primary and secondary, where they do not include the original author. The student or students do not know that their actions are considered normal or normal. This action is a category of plagiarism which violates criminal regulations which can later be prosecuted legally. This must be socialized to pupils and students so that the academic responsibility of lecturers is towards their students. (Isnawati et al., 2021).

The act of plagiarism makes a person lazy to think, does not dare to take responsibility in facing new challenges. The tendency to seek convenience by taking other people's work and recognizing it as personal work causes morals to fade. (Wibowo, 2012).

In reality, the condition of students in the library determines a way of accessing and also looking for references, paraphrasing or what could be called re-decoding a sentence or text into the form of words or an arrangement where the meaning or essence does not change. Even though this is the basis that students must have in writing, it is still considered difficult. It is very common to find students who are confused. This situation makes students look for shortcuts, by plagiarizing other people's written work. Another factor is the lack of practice in writing a scientific paper. (Lulu Andarini Aziz, Ana Irhandayaningsih, 2015).

Plagiarism is not always a phenomenon that appears and occurs, which means that the habit of plagiarism itself has become a culture that has been preserved. There are many elements of a student committing plagiarism, one of which, according to Ariani (2011), is that the elements that cause a person to commit acts of plagiarism include: (Sudigdo, 2007):

- a. Loss of socialization to the community, where the socialization of plagiarism to the wider community is still lacking and especially to teachers, is one of the causes of

plagiarism. Plagiarism is a violation of ethics and important regulations that need to be disseminated to society at large, through various approaches, so that people are not predicted to commit plagiarism. For students, for example, when they first enter college, they need to be prepared with an understanding of plagiarism along with appropriate tactics for writing scientific papers.

- b. The poor skills of students and especially students who currently cannot understand and care about plagiarism is because they do not take part in training to learn how to write scientific papers because they think that writing techniques can be learned by themselves and new students who have now do not receive material about How to avoid plagiarism, so that students who don't understand plagiarism are not aware of plagiarizing, and no longer want to be called plagiarists because these students have the idea that writing the source of the writing in the bibliography is more than enough.
- c. Loss of safeguards or in Latin it is called (permissiveness), one of the factors of plagiarism is a lack of supervision from many parties. For example, students commit plagiarism, one of which is due to the lack of supervision of students in their daily lives, both from the system and the results in producing scientific papers. A permissive attitude from the campus and academics as supervisors can trigger plagiarism. Lecturers and other campus activities do not provide extensive interest and supervision for students to create scientific work, so the impact in the future will be a large opportunity for students to plagiarize other people's scientific work.
- d. Technology is increasingly sophisticated and contemporary nowadays. Generational development is like an aspect of currency, on the one hand it facilitates human lifestyle methods, and on the other hand it will backfire on human existence itself. One of them is the misuse of generations in the field of education in particular. Records originating from a person's work can be accessed by anyone via the internet, which is then used by the accessor for his or her own benefit. For example, copy paste from the internet for writing articles is not accompanied by supplies, it seems to be the owner.
- e. Laziness is an infectious disease for students, especially this term is suitable to be used to explain the phenomenon that occurs in Indonesia. Humans younger than the efficient age, most of them college students, seem to have this lazy disease. This laziness, many issues arise, one of which is plagiarism. For example, students who are lazy about looking for notes about the correct writing system, the correct way to cite, once given the assignment to write a scientific work, tend to fall into plagiarism.
- f. Eroding moral and ethical honesty is the main basis for guiding one's lifestyle. This is no

exception in formal learning which has various aspects, one of which is writing scientific papers. In terms of contemporary developments that are not accompanied by self- protection efforts, ethical degradation is created among students in particular. Actions that violate ethics and morals have become endemic, which many say is plagiarism. Plagiarism is clear evidence of the erosion of student honesty in writing scientific work. Plagiarism, which is the robbery of other people's paintings, will not now occur if honesty is upheld. Scientific writing is related to the fact that authenticity and originality are a necessity that must be upheld by the world of education. Using paintings of different people is the responsibility to be fair, namely by using good enough resources and paying attention to the enlargement approach, so as not to fall into acts of plagiarism, namely unintentional plagiarism. Forms of plagiarism have various characteristics, namely word for word plagiarism, idea plagiarism, creator plagiarism and supply plagiarism. This includes plagiarism in writing final thesis assignments, which is often found in the form of phrase plagiarism, concept plagiarism, authorship plagiarism and supply plagiarism with various causal factors. One of them is the limited knowledge of students in creating desired and correct written work. Coincidentally, students fall into acts of plagiarism due to lack of awareness of writing and citing methods. (Soelistyo, 2011).

Against the background of the increasingly widespread acts and actions of plagiarism in high schools which proves the government's follow-up political will in Indonesia, the problem of plagiarism is regulated by the National Education System in UU No. 20 of 2003 with its follow-up Prevention and Control of Plagiarism in Higher Education in the Regulation of the Minister of National Education of the Republic of Indonesia No. 17 of 2010 and there are also copyright laws and regulations in the Indonesian Criminal Code.

Criminal sanctions against plagiarists are reviewed according to the National Education System in Law Number 20 of 2003

Controversy and debate regarding plagiarism cases should be addressed positively by Indonesian scientists and writers. The cases that occur can be a lesson and build efforts to prevent plagiarism. (Shadiqi, 2019).

Article 25 paragraph (2) of the National Education System Law explains that: (National Education System, 2003)

"College graduates whose scientific work is used to obtain an academic, professional or vocational degree are proven to be plagiarized and have their degrees revoked."

Then the Law also regulates criminal sanctions for criminal acts of plagiarism, which violates the provisions of Article 70 which reads:

"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)".

Furthermore, Article 25 paragraph (2), namely:

"College graduates whose scientific work is used to obtain an academic, professional or vocational degree are proven to be plagiarized and have their degrees revoked."

If the elements of the action are formulated, they are:

Objective Elements:

- Characteristic Actions

Unlawful: 1. There is a ("*plagiarism*") clause

2. To obtain an academic, professional or vocational degree.

Based on the formulation above, those who can become legal subjects are students ("graduates") while legal entities are not mentioned, because the punishment provisions in the article above only apply to individuals. Thus, the coverage of legal subjects in the legislation is more specific in nature, namely only students who are taking part in the education process.

Then regarding its unlawful nature, the National Education System in article 70 of Law no. 20 of 2003 above states ("*..plagiarism..*"). That the meaning of plagiarism is in accordance with the Regulation of the Minister of National Education of the Republic of Indonesia Number 17 of 2010 concerning emphasis on preventing criminal acts of plagiarism, Article 1 paragraph (1) is

"Plagiarism is an act of intentionally or unintentionally obtaining or trying to obtain credit or value for a scientific work, by quoting part or all of the work and/or scientific work which is recognized as scientific work, without stating the source appropriately and adequately."

Meanwhile, according to several people, plagiarism is an act of stealing other people's work by equating the work they have written and admitting it in their own right (J.T.C. Simorangkir, Rudy T.erwin, 2009). Another thing that can be used as an element in determining the criminal act referred to in this article is the aim of the perpetrator to obtain an academic, vocational and professional degree.

Thus, it is found that the National Education System in Law No. 20 of 2003 includes acts of plagiarism in written works or theses which are intended in the formulation specifications that have been determined, namely for graduates and for acts

without the right to use scientific works (writings).

So, the formulation of Article 70 above can be used to determine the criminal act of plagiarism of written work. Regarding determining the qualifications for their actions, if a student is proven to have committed "plagiarism" in order to obtain a degree, then the student can be threatened with sanctions regarding the National Education System in Article 70 of Law no. 20 of 2003.

In relation to the National Education System article 25 paragraph (2) of the Law above, the requirements are explained in Article 25 paragraph (3) which states:

"Provisions regarding graduation requirements and revocation of academic, professional or vocational degrees as intended in paragraph (1) and paragraph (2) are further regulated by Government Regulation."

However, in the government Perpu there is no further regulation regarding plagiarism. However, in the Management and Implementation of Education, Article 5 of the Republic of Indonesia Government Regulation No. 17 of 2010, reads that:

"The Minister is responsible for managing the national education system as well as formulating and/ establishing national education policies."

This means that the government has given authority to the Minister of National Education to manage and make regulations relating to the National Education System intended as Prevention and Management of Plagiarism in Higher Education in Minister of National Education Regulation No. 17 of 2010, then they can be enforced according to their use. The regulation intended to determine plagiarism qualifications is the Prevention and Management of Plagiarism in Higher Education in the Minister of National Education Regulation Np.17 of 2010. Article 2 paragraph (1) explains the form of plagiarism, namely:

- a. *Quoting by referring to words from various sources obtained from other people without mentioning the name of the source used as a writing reference.*
- b. *Quoting by referring to sentences of other people's work from various sources obtained randomly without including the source obtained as a complete and adequate reference.*
- c. *Formulating sources of theories, views, opinions and ideas, without including adequately formulated sources,*
- d. *Formulate personal words with sentences and words in writing from several views without citing complete sources.*
- e. *Submission of a scientific paper to be published by another party as a work without adequate sources.*

Meanwhile, in Article 2 paragraph (2) what is meant by "source" as in paragraph (1) is

"individuals or groups of people, each acting for themselves or a group or for and on behalf of an entity, or anonymously producing a work and/ or scientific work created, published, published, in written form, either printed or electronic. "

In paragraph (3) "Created" is defined in paragraph (2) letter g as "the result of work and/or similar scientific work" (writing). Then in paragraph (4) the words "Published" as intended in paragraph (2) letter e are in the form of "work results and/or scientific works". Meanwhile, the words "Presented" are interpreted in paragraph (2) as:

- a. Presented before a general or limited audience.*
- b. Presented via radio/ television/ video/ compact disc/ digital video disc media; or*
- c. States with other models of the same type which are not mentioned in letters a and b.*

Furthermore, in paragraph (6) "Contained in written form" as stated in paragraph (2) in printed and/or electronic form. This means that the qualifications for plagiarizing scientific papers are according to the Prevention and Management of Plagiarism in Higher Education in the Minister of National Education Regulation No. 17 of 2010, must state the "source" of the original source, in this case the meaning of "source" is the producer of scientific work submitted to the general public using various media, both electronic and print.

Based on the explanation above, the author concludes that the act of plagiarism is an act that can be qualified as a "crime or criminal act" based on national legal regulations. Analysis regarding the qualifications for the criminal act of plagiarizing written work or thesis in the provisions of the National Education System in Article 70 of Law No. 20 of 2003, has fulfilled the requirements for determining a criminal act, namely the legal subject clause, the presence of errors, and the nature of being against the law. If the clause has been fulfilled, then the threat of sanctions from article 70 can be imposed on the perpetrator (plagiator).

If we look at the criminal sanctions for criminal behavior, the formulation of the sanctions is adjusted to the contents of the statutory regulations, without reducing the aim of imposing sanctions formulated by the legislators with the aim of giving a deterrent effect to the perpetrator so that they do not repeat it again. The motive for criminal law policy is public security or social defense planning. A model of social security planning as a rational effort to overcome existing crimes. (Barda Nawawi Arief, 2010b).

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improve community dissatisfaction as a result of the crime. "The purpose of punishment must be viewed ideally, apart from that, the purpose of punishment is to prevent (prevention) crime (Ayu Efridadewi, 2020).

Criminal action is not just for retaliation or compensation for people who have committed a criminal act, but has certain useful purposes. Retaliation itself has no value, but is only a means of protecting the interests of society. The basic justification for criminal law lies in its aim being to reduce the frequency of crime. Punishment is imposed not because people commit crimes, but so that people do not commit crimes. So this theory is often also called goal theory (utilitarian theory). The main characteristics or characteristics of relative (utilitarian) theory are:

- 1) The aim of crime is prevention;
- 2) Prevention is not the final goal but only a means to achieve a higher goal, namely the welfare of society;
- 3) Only legal violations that can be blamed on the perpetrator (for example, intentionally or culpably) meet the requirements for criminal punishment;
- 4) Punishment must be determined based on its purpose as a tool for crime prevention;
- 5) Criminal law looks forward (prospective in nature), punishment can contain an element of reproach, but the element of retaliation cannot be accepted if it does not help prevent crime in the interests of the welfare of society.

In this matter, in accordance with Roeslan Saleh, in his book entitled "A reorientation of criminal regulation", he believes that in essence there are two strategies that determine the traces of criminal law regulation, including the following: (Muladi, & Arief, 1984):

- 1) In terms of prevention, especially criminal law is the regulation of sanctions, an effort aimed at preserving life together by stopping crime
- 2) In terms of retaliation, in particular, this criminal law is also a determination of a law, it is a correction of a response to something which is an action of the law itself.

In the rational approach method, to choose and determine a form of punishment or type of punishment, it means that the punishment chosen must really be based on certain considerations which may be quite reasonable. The way in which these legal regulations can be enforced is the selection of methods that are considered effective and useful for achieving these goals. The coverage taken could be better if the choice of center was based on sound rational considerations. (Barda Nawawi Arief, 2010a).

Therefore, the author would like to draw a conclusion, that in essence criminal

punishment can no longer be the cause of the punishment, but criminal punishment is certainly a quite appropriate sanction, in this situation as a network protector and retaliation for his actions in committing a criminal act. It's just that criminal punishment covers different things, in particular it is hoped that criminal punishment can make someone accepted again by society even though they have previously committed a crime and it is also hoped that criminal punishment can create harmony.

This means that a crime or sanction imposed on the perpetrator is based on the totality of the formulation of sanctions for the crime or criminal act that has been committed, aimed at emphasizing the importance of punishment as a deterrent effect and retaliation as a deterrent effect. So in this situation the author explores the motive for punishment which is in line with this mixed or combined theory, crime is used as something that can be used to obtain beneficial benefits. Therefore, in line with this theory, punishment is intended as a way to stop the crime of plagiarism both in terms of special characteristics (*Special Prevention*) and in terms of general characteristics (*General Prevention*).

This concept sees punishment as a way to prevent or reduce criminal acts, especially in plagiarism of scientific papers. The conclusion is that by imposing a criminal sentence, this will produce a better end result than not currently being sentenced to a criminal sentence for the events involved. Because the emphasis of this theory is on the benefit component, especially to change the behavior of perpetrators and prevent other people from committing criminal crimes, by other authors this idea is called a view or theory which can be called the utilitarian prevention theory. (Muladi, 1985). Thus, sanctions are given to perpetrators of criminal acts, with the aim of stopping criminal acts from occurring. This intention must first be directed so that in its destiny the crimes that have been committed will no longer be repeated (prevention) or what can be called prevention.

Methods or efforts to prevent unlawful acts regarding plagiarism of scientific works, this is included in the category of "criminal policy" or in Latin it is often referred to as (criminal policy). In this case, the policy will not be separated from a very broad policy, which can be called social policy. This social policy will later describe the policy of efforts to improve social welfare (social defense policy). Thus, the purpose of punishment is to provide sanctions as a result of his actions. So this criminal sanction is very necessary to regulate life in society because this criminal law can be said to be the final answer in action to eradicate criminal acts which are very embedded in today's life. (Barda Nawawi Arief,

2010a)

Prevention efforts are stated in Article 6 which reads:

- 1) *Better higher education leaders supervise the implementation of the code of ethics for students/academics/researchers/educational personnel which is decided with the assistance of the senate by higher education institutions or other comparable organs, which includes, among other things, policies to stop and deal with plagiarism.*
- 2) *University leaders decide and supervise the implementation of cheating methods for each technological discipline, era and work of art that is advanced through the university*
- 3) *Better higher education leaders regularly socialize the code of ethics to students/academics/researchers/teaching teams and appropriate cheating patterns as a way to create an anti-plagiarism tradition.*

Meanwhile, Article 7 also explains:

- 1) *To every scientific work produced in a higher education environment, a statement must be attached 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, then the preparation is willing to accept sanctions in accordance with the provisions of the laws and regulations.
- 2) *"Heads of Higher Education are required to electronically upload all scientific work of students/lecturers/researchers/educational staff which has been accompanied by a statement as intended in paragraph (1) via the Garuda portal (Digital Reference Gateway) as an access point for student/lecturer/scientific work Indonesian researchers/educational personnel, or other portals determined by the Director General of Higher Education."*

This means in Article 6 that "Heads of Higher Education supervise the implementation of the code of ethics" and "supervise environmental style". Meanwhile, in Article 7, in terms of efforts to prevent plagiarism, every written work must have a plagiarism-free statement and the Head of Higher Education is required to electronically upload all scientific written works.

It is important that in imposing sanctions for criminal acts of plagiarism, it must be based on the results of a careful and thorough study and on consideration of useful reasons.

Based on the theory of legal objectives, every legal regulation that is made must fulfill the principles of benefit, legal certainty and justice. The form of sanctions in the National Education System law also states two forms of sanctions, namely "imprisonment and fines".

Classify the following as acts of plagiarism:

- 1) Acknowledging other people's written work as their own;

- 2) Claiming someone else's idea is considered to be one's own thought;
- 3) Claiming someone else's discovery is considered to be one's own discovery;
- 4) Claiming a group's scientific work which is considered ownership or the result of one's own hard work;
- 5) Providing similar written work on different occasions without stating its origin; 6) Make a summary and also paraphrase (quote indirectly) without mentioning the source, and;
- 6) Make a summary and paraphrase by citing the source, but the sentence sequence and word preferences are too similar to the source. (Untodewo, 2007).

Next, important points that are not included in plagiarism of scientific writing:

- 1) Use of information in the form of legal truth.
- 2) Rewrite (through sentence conversion or paraphrasing) reviews or opinions of different people by providing clear sources.
- 3) Make quotations from other people's writing by providing clear boundaries on the quotation and what is no less important is writing down the source again (Untodewo, 2007).

Ways or tips to prevent plagiarism of scientific work in general can be done by: (Wibowo, 2012)

- 1) appreciate or give appreciation to other people's written work;
- 2) Taking or using someone's written work must be done by following the applicable rules. That every article you want to write needs to always include references or data sources and the name of the creator or author;
- 3) While looking for material to later compile a scientific work, it is a good idea to develop the habit of recording the names of authors and sources of scientific works from each recorded library. Situations that often involve placing quotations are considered quotation marks or italics;
- 4) Meanwhile, if you use other people's thoughts, this includes thoughts and the use of ideas that may be clearly appropriate and can be applied to the scientific work being prepared. So include that idea. This also makes it easier for readers to connect the author's reasoning to the ideas he cites;
- 5) Please paraphrase the article you wish to quote;
- 6) The main technique for avoiding plagiarism is paraphrasing, meaning freely as an effort to highlight the essence of the reading and rewrite the use of your personal phrases.

Specifically, plagiarism prevention can take the form of:

- a) Simply improve the academic integrity of the entire educational community or academic community.
- b) Academic integrity is the idea of campus life that is based entirely on values, dignity, mutual admiration and honesty.
- c) presentation of expertise or knowledge and socialization of regulations regarding plagiarism along with methods for preventing and sanctioning them.
- d) Comprehensive explanation and understanding of plagiarism must be fostered in the world of global education, and aimed at students and lecturers.
- e) Deepening of lecture material, and can also be continued through teaching several sessions on the course being taught.
- f) Availability of a concise or practical guidebook for stopping and dealing with plagiarism.
- g) Growing the position of the ethics review team.

Thus, the author concludes that regarding the qualification of an act that can be declared a criminal act of plagiarism, it must fulfill the act clause, namely the presence of a legal subject, the presence of an element of error and an element of being against the law. The author concludes that Law Number 20 of 2003 concerning the National Education System after being researched meets the qualifications for an act that can be considered a criminal act. Then the sanctions that will be imposed on plagiarists are seen by means of "penal", the formulation of the witness is by means of a system of formulating "cumulative-alternative" sanctions aimed at containing "imprisonment and/or fines" as contained in Article 70 of Law no. 20 of 2003. Then there are also administrative sanctions in Law no. 20 of 2003 concerning the National Education System, aimed at Minister of National Education Regulation No. 17 of 2010 concerning Prevention and Control of Plagiarism in Higher Education.

Apart from that, in efforts to prevent criminal acts of plagiarism using "non-penal" means, the prevention efforts carried out by Law no. 20 of 2003 concerning the National Education System and Minister of National Education Regulation No. 17 of 2010 concerning the Prevention and Handling of Plagiarism in Higher Education are explained by means of "supervision" that must be carried out by teaching staff.

Finally, from the results of the research and discussion, conclusions can be drawn regarding the sanctions imposed for the criminal act of plagiarizing scientific papers. The author places greater emphasis on overcoming criminal acts using Law no. 20 of 2003 concerning the National Education System because in this law the types of sanctions are

more varied by prioritizing criminal sanctions as the vanguard, and the author emphasizes the prevention of criminal acts by using Minister of National Education Regulation No. 17 of 2010 concerning Prevention and Control of Plagiarism at University.

CONCLUSION

Based on the description that has been explained in the background and discussion above, the occurrence of violations against other people's scientific writings is caused by a lack of awareness in respecting other people's scientific writings. Based on the results of research conducted by the author, in essence the same thing is stated, namely "According to Law no. 20 of 2003 concerning the National Education System, the act of plagiarism which can be punished is threatened in the provisions of Article 70, namely regarding Article 25 paragraph (2), that graduates of tertiary institutions whose scientific work is proven to be plagiarized have their degrees revoked. However, the provisions regarding graduation requirements and degree revocation are further regulated by government regulations, namely Republic of Indonesia Government Regulation No. 17 of 2010 concerning Prevention and Control of Plagiarism in Higher Education. However, article 5 of the Government Regulation instructs that the Minister of National Education is given the authority to regulate and manage the National Education System, then its implementation is regulated in Minister of National Education Regulation number 17 of 2010 concerning Prevention and Management of Plagiarism in Higher Education. According to the Minister of National Education Regulation, efforts have been made to prevent plagiarism of scientific work by improving the skills of teachers/supervisors and students regarding the substance of research ethics as well as preventing and overcoming plagiarism.

UU no. 17 of 2010 Chapter 7 Article 14 concerning Prevention and Management of Plagiarism in Higher Education. If a student/lecturer/scientist/educator is proven to have plagiarized, the university management will recover the names of the people involved. The suggestions that the author can convey are: first, that in order to facilitate the interpretation of the threatened actions, especially in Law no. 20 of 2003 concerning the National Education System, the formulation of the law should include the qualifications for plagiarism clearly in the law without having to explain it through a Ministerial Regulation, because if the qualifications for plagiarism are explained through a Ministerial Regulation, it means that the qualifications for plagiarism can change at any time. change of Minister. Second, the faculty periodically and systematically takes action to prevent and overcome plagiarism of student theses by monitoring student theses and socializing the rules and

procedures for writing scientific papers to each student and creating a plagiarism-free statement form for each scientific work so that it is free from plagiarism. Third, students are expected to be able to enrich their insight and be proactive about various information contained in various media so that there are no similarities in the scientific work contained.

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