

ITE Law Enforcement Against Plagiarism of Scientific Works on Academic Platforms: Challenges and Solutions

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Abstract

This study examines law enforcement against the crime of plagiarism of scientific papers on online academic platforms from the perspective of the ITE Law and related regulations. The research method used is normative juridical with a legislative approach. The results of the study show that the crime of plagiarism in the digital era has been regulated by various laws and regulations. However, there are still challenges in its implementation. Harmonization and synchronization of laws are needed to overcome overlapping and legal gaps. Effective law enforcement efforts require a comprehensive approach involving legal, technological, and socio-cultural aspects. This study concludes that regulatory harmonization, increased coordination between institutions, the development of plagiarism detection technology, and the strengthening of anti-plagiarism culture are needed to realize academic integrity in the digital era.

Keywords : Plagiarism; Scientific Works; UU ITE; Legal Harmonization; Academic Integrity

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Introduction

Plagiarism and journal cloning have become serious problems that tarnish academic integrity in Indonesia. This phenomenon is increasingly rampant, along with the increasing demands for scientific publications and easy access to information in the digital era. According to data from the Ministry of Research, Technology and Higher Education, in the last 10 years, the number of cases of plagiarism of scientific works in Indonesia has tended to increase.¹ This shows that the practice of plagiarism has become a "virus" that continues to recur in the academic world of the country.

One of the main factors that encourages plagiarism is the high demand for scientific publications for academics. Lecturers are required to publish indexed journals in a short time, while the facilities

and quality of lecturers are not evenly distributed across Indonesian universities.² As a result, many academics are tempted to take shortcuts by plagiarizing or even cloning journals to meet these demands.

The ease of access to information on the internet also contributes to the rampant cases of plagiarism. Writers can easily copy-paste the scientific work of other writers without paying attention to the reference sources used.³ This is exacerbated by the lack of education related to plagiarism, especially for new students who are not yet familiar with the standards of writing scientific papers in universities.

¹ Sukaesih, S. (2018). Permasalahan Plagiarisme Dalam Penelitian Kualitatif Di Indonesia. *Jurnal Politikom Indonesiana*, 3(1), 210-210.

² Tempo. (2024). Kenapa Plagiarisme Karya Ilmiah Terus Terjadi di Perguruan Tinggi. <https://www.tempo.co/politik/plagiarisme-karya-ilmiah-1165829>. Diakses tanggal 10 November 2024

³ Irfan Jumadil Aslam. (2024). 6 Kasus Plagiarisme yang Pernah Terjadi di Dunia Akademik Indonesia, Apa Saja?. <https://parafraseindonesia.com/kasus-plagiarisme-di-indonesia/>. Diakses tanggal 13 November 2024

Plagiarism cases that occurred in Indonesia involved various levels of academics, from students to professors. Some examples of cases that rocked the Indonesian academic world include plagiarism committed by a lecturer at the Faculty of Economics and Business UGM, Anggito Abimanyu, and a former lecturer at Parahyangan University, Anak Agung Banyu Perwita.^{4 5} These cases show that plagiarism is not only a problem among students but also at the level of educators who should be role models.

In addition to conventional plagiarism, the phenomenon of journal cloning is also starting to become widespread. This practice involves publishing fake journals that imitate original, reputable journals, to deceive authors and readers. Journal cloning not only harms the original authors but also damages the integrity of scientific publications as a whole.

Although there are regulations governing sanctions against plagiarism, as Undang-Undang Nomor 20 Tahun 2003 tentang Sistem Pendidikan Nasional, law enforcement is still weak.⁶ Many cases of plagiarism are not followed up seriously by educational institutions, so this practice continues to recur.⁷ The lack of firm and consistent sanctions is one of the reasons why plagiarism is still rampant in Indonesian universities.

Efforts to prevent plagiarism have been made, such as the use of plagiarism

detection software and increasing education about academic integrity. However, these efforts have not been effective enough to address the problem as a whole. A more comprehensive approach is needed that involves improving the system, increasing awareness, and strict law enforcement.

The phenomenon of plagiarism and journal cloning that is rampant in Indonesia not only damages academic integrity but also has the potential to hinder the development of science and innovation in this country. If left unchecked, this practice can reduce the quality and credibility of Indonesian scientific publications on the international stage.

Given the complexity and serious impact of this problem, research on enforcement in ITE Law Against plagiarism of scientific works on academic platforms then becomes very important and urgent. This study is expected to identify challenges in law enforcement related to plagiarism in the digital era, as well as formulate effective solutions to prevent and overcome plagiarism practices on online academic platforms. The results of this study can be the basis for policy-making and implementing better strategies for maintaining academic integrity in Indonesia.

Research Methods

This study uses a normative legal method, which is a library legal research by examining library materials or secondary data.⁸ The approach used is the statute approach, by examining all laws and regulations related to the legal issues being studied.⁹ The main data sources for this study are primary legal materials in the form of laws and regulations, secondary legal materials such as law books and scientific journals, and tertiary legal materials in the form of legal dictionaries and encyclopedias.

⁴ KumparanNews. (2018). 4 Akademisi Tanah Air yang Terjerat Kasus Plagiarisme. <https://kumparan.com/kumparannews/4-akademisi-tanah-air-yang-terjerat-kasus-plagiarisme>. Diakses tanggal 15 November 2024

⁵ Irfan Jumadil Aslam. (2024). 6 Kasus Plagiarisme yang Pernah Terjadi di Dunia Akademik Indonesia, Apa Saja?. <https://parafraseindonesia.com/kasus-plagiarisme-di-indonesia/>. Diakses tanggal 13 November 2024

⁶ *Vide* Undang-Undang Nomor 20 Tahun 2003 tentang Sistem Pendidikan Nasional

⁷ KumparanNews. (2018). 4 Akademisi Tanah Air yang Terjerat Kasus Plagiarisme. <https://kumparan.com/kumparannews/4-akademisi-tanah-air-yang-terjerat-kasus-plagiarisme>. Diakses tanggal 15 November 2024

⁸ Juliardi, B., Runtuwuwu, Y. B., Musthofa, M. H., TL, A. D., Asriyani, A., Hazmi, R. M., ... & Samara, M. R. (2023). Metode penelitian hukum. CV. Gita Lentera.

⁹ Syarif, M., Ramadhani, R., Graha, M. A. W., Yanuaria, T., Muhtar, M. H., Asmah, N., ... & Jannah, M. (2024). Metode Penelitian Hukum.

Analysis and Discussion

Legal Analysis of the Criminal Act of Plagiarism of Scientific Works from the Perspective of the ITE Law and Related Regulations

To understand the legal aspects of plagiarism of scientific works on online academic platforms, it is necessary to conduct an in-depth review of Undang-Undang Nomor 19 Tahun 2016 tentang Perubahan Atas Undang-Undang Nomor 11 Tahun 2008 tentang Informasi dan Transaksi Elektronik (Undang-Undang ITE) and other related regulations.¹⁰

In the context of Indonesian law, plagiarism can be defined as the act of taking someone else's work without giving proper recognition to the original creator, which is done through electronic media or digital platforms.¹¹ Undang-Undang Nomor 28 Tahun 2014 tentang Hak Cipta protects scientific works as one form of protected creation. Pasal 40 ayat (1) huruf a Undang-Undang Hak Cipta explicitly states that written works in the form of books, pamphlets, and all other written works are included in protected creations.¹²

From the perspective of the ITE Law, acts of plagiarism carried out through online academic platforms can be categorized as a violation of Pasal 32 ayat (1) yang berbunyi: "Setiap Orang dengan sengaja dan tanpa hak atau melawan hukum dengan cara apa pun mengubah, menambah, mengurangi, melakukan transmisi, merusak, menghilangkan, memindahkan, menyembunyikan suatu Informasi Elektronik dan/atau Dokumen Elektronik milik Orang lain atau milik publik."

Plagiarism in this context can be considered as an act of changing or adding

electronic information belonging to another person without rights.¹³

The elements of the crime of plagiarism in the digital context can be described as follows: first, there is an element of intent; second, without rights or against the law; third, changing, adding, or transmitting; and fourth, the object is Electronic Information and/or Electronic Documents belonging to someone else. In the case of plagiarism of scientific work, the perpetrator intentionally takes someone else's work without permission, then changes or adds it to his work, and publishes it through an online academic platform.

The sanctions that can be applied to criminal acts of plagiarism based on the Undang-Undang ITE are quite severe. Pasal 48 ayat (1) Undang-Undang ITE menyatakan bahwa pelanggaran terhadap Pasal 32 ayat (1) dapat dikenakan pidana penjara paling lama 8 (delapan) tahun dan/atau denda paling banyak Rp. 2.000.000.000,00 (dua miliar rupiah).¹⁴ This sanction shows that legislators take seriously acts of violation of electronic information, including plagiarism of scientific works on digital platforms.¹⁵

In addition to the Undang-Undang ITE and the Undang-Undang Hak Cipta the Regulation of the Peraturan Menteri Pendidikan Nasional Nomor 17 Tahun 2010 tentang Pencegahan dan Penanggulangan Plagiat di Perguruan Tinggi also provides a specific legal basis in the academic context.¹⁶ This regulation defines plagiarism as an intentional or unintentional act in obtaining

¹⁰ *Vide Undang-Undang Nomor 19 Tahun 2016 tentang Perubahan Atas Undang-Undang Nomor 11 Tahun 2008 tentang Informasi dan Transaksi Elektronik*

¹¹ Palandeng, R. A. C., Setiabudhi, D. O., & Maramis, M. R. (2023). Aspek Hukum Plagiarisme Sebagai Pelanggaran Integritas Akademik Di Perguruan Tinggi. *LEX PRIVATUM*, 12(1).

¹² *Vide Pasal 40 ayat (1) huruf a Undang-Undang Nomor 28 Tahun 2014 tentang Hak Cipta*

¹³ Palandeng, R. A. C., Setiabudhi, D. O., & Maramis, M. R. (2023). Aspek Hukum Plagiarisme Sebagai Pelanggaran Integritas Akademik Di Perguruan Tinggi. *LEX PRIVATUM*, 12(1).

¹⁴ *Vide Pasal 48 ayat (1) Undang-Undang Nomor 19 Tahun 2016 tentang Perubahan Atas Undang-Undang Nomor 11 Tahun 2008 tentang Informasi dan Transaksi Elektronik*

¹⁵ Palandeng, R. A. C., Setiabudhi, D. O., & Maramis, M. R. (2023). Aspek Hukum Plagiarisme Sebagai Pelanggaran Integritas Akademik Di Perguruan Tinggi. *LEX PRIVATUM*, 12(1).

¹⁶ Peraturan Menteri Pendidikan Nasional Nomor 17 Tahun 2010 tentang Pencegahan dan Penanggulangan Plagiat di Perguruan Tinggi

or attempting to obtain credit or value for a scientific work, by citing part or all of the work and/or scientific work of another party that is recognized as his scientific work, without stating the source appropriately and adequately.

Plagiarism violations when examined using the legal protection theory put forward by Satjipto Rahardjo. According to this theory, the law is present to protect a person's interests by allocating power to him to act in the interests of his interests. In the context of plagiarism of scientific works, the law protects the creator of scientific works by giving the power to defend his rights and sue the perpetrator of plagiarism.¹⁷

Furthermore, John Rawls' theory of justice can also be applied in this analysis. Rawls emphasizes the importance of justice as fairness, where everyone has the same right to the broadest basic freedom, as broad as the same freedom for all people.¹⁸ In the context of plagiarism, justice is reflected in the recognition and appreciation of someone's intellectual work, as well as equal legal protection for all creators of scientific works.

The application of sanctions against plagiarists on online academic platforms must consider the principles of legal certainty, justice, and benefit. Legal certainty is reflected in the existence of clear rules regarding the definition and sanctions for plagiarism. Justice is realized through the imposition of proportional sanctions according to the level of violation. Meanwhile, the principle of benefit is reflected in prevention and education efforts to reduce plagiarism in the future.¹⁹

In its implementation, law enforcement against criminal acts of

plagiarism on online academic platforms faces several challenges. First, the difficulty in detecting plagiarism which is increasingly sophisticated with the presence of automatic paraphrasing technology. Second, limited legal jurisdiction when plagiarism involves platforms or perpetrators from abroad. Third, the a lack of understanding and legal awareness among academics regarding digital plagiarism.²⁰ To overcome these challenges, cooperation is needed between educational institutions, law enforcement, and technology developers to create a more sophisticated plagiarism detection system and improve digital literacy and academic ethics among researchers and students.

Harmonization and Synchronization of Law in Enforcing Criminal Acts of Plagiarism in the Digital Era

In the context of legal harmonization and synchronization, the alignment between various regulations relating to plagiarism of scientific works on digital platforms, including the Undang-undang ITE, the Copyright Law, and academic regulations, becomes very important to be analyzed comprehensively.

The ITE Law is one of the main legal bases for handling plagiarism cases in the digital era. Pasal 32 ayat (1) Undang-Undang ITE can be interpreted as a legal basis for prosecuting plagiarism perpetrators because such actions can be categorized as acts of changing, adding to, or transmitting Electronic Information and/or Electronic Documents belonging to other people without rights.

Meanwhile, Undang-Undang Nomor 28 Tahun 2014 tentang Hak Cipta provides specific protection for scientific works as one form of protected creation. Pasal 40 ayat (1) huruf a Undang-Undang Hak Cipta explicitly states that written works in the form of books, pamphlets, and all other written works are included in protected

¹⁷ Fadilla, A. R., Haryadi, H., & Rapik, M. (2023). Plagiarisme Karya Ilmiah Dalam Kacamata Hukum Pidana. PAMPAS: Journal of Criminal Law, 4(1), 141-157.

¹⁸ Said, M. Y., & Nurhayati, Y. (2021). A review on Rawls Theory of Justice. International Journal of Law, Environment, and Natural Resources, 1(1), 29-36.

¹⁹ Ramadha, B. S. (2021). Kemampuan Hukum Pidana Terhadap Kejahatan Siber Terkait Perlindungan Data Pribadi Di Indonesia.

²⁰ Fadilla, A. R., Haryadi, H., & Rapik, M. (2023). Plagiarisme Karya Ilmiah Dalam Kacamata Hukum Pidana. PAMPAS: Journal of Criminal Law, 4(1), 141-157.

creations.²¹ This strengthens the legal position of creators of scientific works in dealing with acts of plagiarism.

Peraturan Menteri Pendidikan, Kebudayaan, Riset, dan Teknologi Nomor 39 Tahun 2021 tentang Integritas Akademik dalam Menghasilkan Karya Ilmiah provides a more specific definition of plagiarism in an academic context. Pasal 10 ayat (3) of this regulation defines plagiarism as the act of taking part or all of someone else's work without citing the source properly, rewriting without using one's language even though citing the source, and taking part or all of one's own published work or ideas without citing the source properly.²²

Although there are various regulations governing plagiarism, there is still potential for overlap and legal gaps that need to be identified. One issue that arises is the difference in sanctions regulated in the various regulations. On the other hand, sanctions regulated in academic regulations tend to be lighter and administrative.

The theory of the legal system was put forward by Lawrence M. Friedman because the legal system consists of three main components, namely legal structure, legal substance, and legal culture.²³ In the context of plagiarism in the digital era, these three components must synergize to create effective law enforcement.

The legal structure in enforcing criminal acts of plagiarism involves various institutions, including the Directorate General of Intellectual Property (DJKI), the police, and higher education institutions. Coordination between these institutions is

key to harmonizing law enforcement against criminal acts of plagiarism in the digital era.

The legal substance consisting of various laws and regulations mentioned above needs to be harmonized to avoid overlapping and legal gaps. Harmonization efforts can be made by revising existing regulations or creating new regulations that specifically regulate plagiarism in the digital era.

Legal culture, which includes public awareness and understanding of plagiarism, also needs to be improved. Education and socialization about academic ethics and the importance of respecting intellectual property rights are important steps in building an anti-plagiarism culture among academics and the general public.

In an effort to increase the effectiveness of law enforcement against criminal acts of plagiarism in the digital era, several harmonization steps need to be taken. Harmonization of the definition of plagiarism in various existing regulations is crucial. A clear and uniform definition will facilitate the process of identifying and taking action against criminal acts of plagiarism.

Harmonization in terms of sanctions given to plagiarists also needs to be considered. Proportional and consistent sanctions between various regulations will provide a more effective deterrent effect. In this case, it is necessary to consider adopting a more comprehensive approach, which takes into account criminal, administrative, and academic ethics aspects.

The synchronization of law enforcement mechanisms between the various institutions involved is another important aspect. This can be done by forming a joint team or special task force consisting of representatives from DJKI, the police, and higher education institutions to handle complex plagiarism cases.

Increasing the capacity of technology to detect and prevent plagiarism in the digital era is also no less important. The development of a sophisticated and integrated plagiarism detection system can

²¹ Fathanudien, A., & Maharani, V. (2023). Perlindungan Hukum Hak Cipta terhadap Buku Elektronik (E-Book) di Era Globalisasi. *Logika: Jurnal Penelitian Universitas Kuningan*, 14(01), 52-63.

²² *Vide Pasal 10 ayat (3) Peraturan Menteri Pendidikan, Kebudayaan, Riset, dan Teknologi Nomor 39 Tahun 2021 tentang Integritas Akademik dalam Menghasilkan Karya Ilmiah*

²³ Flora, H. S., & Erawati, R. D. (2023). The Orientation and Implications of New Criminal Code: An Analysis of Lawrence Friedman's Legal System. *Jurnal IUS Kajian Hukum Dan Keadilan*, 11(1), 113-125.

help in the process of identifying and proving criminal acts of plagiarism.

Efforts to harmonize and synchronize laws in enforcing criminal acts of plagiarism in the digital era must be balanced with increasing public awareness and understanding of academic ethics and intellectual property rights. Continuous education and socialization programs are key to building a strong anti-plagiarism culture in society.

Conclusion

Plagiarism of scientific works on online academic platforms is a serious violation that has been regulated by various laws in Indonesia. Although the legal framework is available, its implementation still faces technical and practical challenges. To overcome this, a comprehensive approach is needed involving strict law enforcement, improved detection technology, and continuous education. These efforts are expected to maintain the integrity of scientific works and encourage the development of quality and ethical science in Indonesia.

Harmonization and synchronization of laws in enforcing criminal acts of plagiarism in the digital era require a comprehensive approach. These efforts include harmonizing regulations, increasing coordination between institutions, developing detection technology, and strengthening anti-plagiarism culture. Through the integration of legal, technological, and socio-cultural aspects, it is hoped that an effective law enforcement system against plagiarism can be realized and that academic integrity can be encouraged in the digital era.

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Conflict of Interest Statement:

The author declares that the research was conducted in the absence of any commercial or financial relationships that could be construed as a potential conflict of interest.

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