Plagiarism in the Perspective of Ethics and Law

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Abstract

Plagiarism is the practice of taking someone else`s work or ideas such as papers or articles or essays without the permission of the authors and then passing them off as his or her own. Plagiarism constitutes the type of copyright crime, and it violates The Copyright Law if the object or victim is the original creative expression. From the moral and ethical view, plagiarism clearly violates the norms of society and even breaks The Law of Copyright since the plagiarists take the ideas of others without the legal permission of the owners and usually do not mention explicitly and clearly the sources of the original works. The academic environment is very susceptible with the practice of plagiarism. So it is very difficult now to overcome plagiarism or piracy which is getting more prevalent. Ethic awareness that commonly seems to be ignored in quoting the ideas or works encourages the habit of taking copyrighted material without permission. The students` awareness publishing and prioritizing their original compositions have not been any better up to now that triggers the prevalence of plagiarism among students. The students committing plagiarism usually dissemble their pirated ideas by arguing that just get inspiration from the works of others, not pirating. The globalization and modernization of the cyberspace that is getting advanced generate the prevalence of the practice of plagiarism and piracy especially in the academic environment. The highly developed cyberspace technology is commonly abused by plagiarists or anyone to ruin the originality of the academicians` works and internet users are generally facilitated to commit plagiarism and piracy upon the academicians` scientific works.

Keywords: plagiarism, ethic, law

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1. Background

The rapid development of technology allows every individual to access various kinds of necessary information. On the other hand, individuals can publish their works through cyber media which are easily accessible to everyone. However, there is a negative impact emerging from the conveniences in finding and spreading information in the cyber world, namely the culture or desire to get things done quickly in the wrong way.

The wrong way in using the technology-based information to support the completion of the assignment makes someone ignore the origins from which the information had been taken, moreover he then acknowledges that the information acquired is from his own. This is the depiction ofan intellectual persecution conducted by parties who choose unlawful shortcut. This case may not sound a big deal for some people, but this action constitutes plagiarism by depriving someone else's work without author`s permission and it can be regarded as a violation of academic ethics that should be upheld by an educated person [1].

The case of alleged plagiarism that befell AA, a prominent university professor who was also a director

general of a ministry, is interesting to observe from the ethical point of view. Although it is actually universal, but the application of ethics can be contextual depends on on*milieu* where ethical values take place. In the academic world, plagiarism is not only a violation of ethics, but also an intellectual crime. That is why, the penalty to plagiarism is very serious, not only academic sanction such as revocation of a degree or dismissal from academic position, but could also be sentenced to imprisonment and fines. It is in accordance with the provision of article 1 of Law No. 19/2002 [2] about Copyright which confirms that those who deliberately and without rights commit an action as referred to Article 2 paragraph (1) or Article 49 paragraph (1) and paragraph (2) shall be punished with imprisonment of at least 1 month and / or a fine of IDR 1 million, or a maximum imprisonment of seven years and / or a maximum fine of IDR 5 billion. Article 2 (1) itself explains that Copyright is the exclusive right of an Author or a Copyright Holder to publish or reproduce his Work, which arises automatically after a work is born. The types of works that are protected are the works in the fields of science, art and literature, which include books, pamphlets, typographical arrangement (layout) of published works, and all other written works [3].

2. Literature Review

Academic plagiarism is mainly divided into two perspectives namely from the viewpoint of the Copyright which emphasizes more on the protection of Moral Rights as stipulated in Law No. 19 of 2001 [2] on Copyright and from the viewpoint of Ethics.

In the previous study, Sidharta [4] built his view of the action against the criminal law in an effort to prevent acts of plagiarism, as has been clearly regulated in Law Number 19 Year 2002 on Copyright. Although it seems using approach to criminal law, but it essentially tends to be more directed to the moral approach which demands an obligation to mention or include the name of the author. Soediro [5] the preventive ethical code includes educating, directing, and limiting on prevention, while the ethical code of countermeasures is aimed to education aspects of ethics awareness toward the author or researcher and when it is compared to Shidarta`s perspective, the scope of Studio's analysis is broader because it does not only touch the moral aspect of prevention but it also shows the countermeasures which are addressed to the ethical awareness of plagiarists.

2.1. The Understanding of Plagiarism

The word Plagiarism as a standard term in Indonesian vocabulary is less popular than the word *plagiarism*, which is actually taken from the Dutch *plagiaat*. Since there is a word plagiarism in English, so this term is then more appropriate to be absorbed that finally comes the term plagiarism [4]. Indonesian Wikipedia [6] mentions plagiarism as cribbing or taking the works or opinions of others and regarding them as his own essays and opinions. In Indonesian General Dictionary [7] plagiarism means cribbing that violates copyrights. Meanwhile, according to the dictionary of Merriam - Webster, as quoted by Herqutanto [8] in his article 'Plagiarism, The Destruction of the Wall of Academic Honesty", plagiarism is derived from a transitive verb. According to Suryono as quoted by Herqutanto [8] that plagiarism is derived from the Latin Plagiari (us) meaning kidnappers and plagium meaning plagi (um) which means kidnapping.

2.2. The Understanding of Ethics

a. DR. James J. Spillane SJ
Ethics is considering or observing human behaviour in taking a decision related to moral. Ethics tends to be directed to the use of human reason objectively to determine right or wrong and the behaviour of one person toward another.
b. Prof. DR. Franz Magnis Suseno
Ethics is a knowledge that provides direction, benchmark, and footing toward human action.
c. W.J.S. Poerwadarminto
Explaining ethics as knowledge about the principles of moral and character.
d. Aristoteles

Proposing the notion of ethics into two namely: *Terminius Technicus & Manner and Custom*. Terminius Technicus is ethics learned as a knowledge that studies the problems of human actions or deeds. While the second, manner and custom, is a discussion of ethics associated with the procedures and customs inherent in human nature (in herent in human nature) which is closely tied to the meaning of "good and bad" of the behaviour, attitude or human action.

3. Research Methods

The withdrawal method of sampling uses the approach of purposive sampling with the type of non probability sample in which the sampling is not intended to represent the entire population.

3.1. The Type of Data

The used data includes primary data which is obtained from the sample unit and secondary data which is taken from the literature / books.

3.2. The Methods and Data Collection Instrument

Primary data is obtained by conducting directed/structured interview, while secondary data is obtained by doing literature review.

3.3. The Technique of the Data Validity Examination

To ensure the validity of the data, the researchers use the method of triangulation of data sources which is done repeatedly until it is believed by the informant's knowledge that the data has reached the validity.

3.4. The data analysis uses

The Miles and The Huberman methods which are in essence involving three activities. The first is data reduction referring to the process of electing, focusing, simplifying, making an abstraction, and transforming the "raw data" recorded from the field by the researchers.

4. The Result and Discussion

4.1. Plagiarism in the Academic World

Nowadays the public cynical attitude towards the perpetrators of plagiarism in the academic world is emerged from some viewpoints (enlightenment) from the mass media about how 'evil' the acts of plagiarism is. This level of the crimeis considered to beserious and massive since the perpetrators are from accademically educated people or sufficiently rasionalones with enough materials for the sources of their ideas, not those who are from

uneducated or socially low status or the ones who insufficiently can fulfil their daily needs, so they should havebeen aware of law, ethics, morals, and values of goodness.

They should have become persons who give inspiration for their society instead of fooling the weaks. This type behavior lowers their position in public even worse than chicken thieves, pickpockets, snatchers, shoplifters, and other similar malicious actions. Plagiarism in the public was first-dominated by not good academicians in a limited scope in the academic world and this acts had not been popular publicly. But now, along with the development of digital based media, the doers are more general in the broader environment. The issue of plagiarism then become familiar to the public, moreover after a number of figures that originally assessed to have integrity in the academic world has been caught in committing plagiarism. The public awareness become increasing that plagiarism is a crime! Digital-based media then becomes part of everyday life. From this merges control from public over the result of plagiarism in the media. On the other hand, there are also many acts of plagiarism within the general community itself, for example in the media (social media, mainstream media, blogs, and others) in which its management and operational are conducted by public [9].

4.2. Plagiarism in Legal Perspective

Plagiarism includes the type of copyright crime, or if the object is *the original creative expression*, plagiarist is alleged violating the Copyright Law. Added by Henry Soelistyo [10] that copyright violation occurs when the creation that is plagiated is copyright reserved. Conversely, if the plagiated work is a creation of public domain, this plagiarism is not an act of copyright infringement. In addition, if the plagiarist gains financial advantages from the acts of plagiarism, he may be sued in civil damages and threatened the sanction of paying compensation.

Meanwhile, corruption is a criminal offense of its own which the constituents is unlawfully committing a crime to enrich themselves or another person or a corporation; by harming the economy of the country (see Article 2, paragraph 2 of Law No. 31 of 1999 [11] in conjunction with Law No. 20 of 2001 [12] on the Eradication of Corruption, or with the intention of enriching himself or another person or corporation, abusing authority, opportunity or means available to him because of the position or positions by disserving state finance and economy (see article 3 of Corruption Act).However, in the handling of the such cases can be always interrelated and influenced each other. The three clumps referred to the passage do not go in line, each of which stands alone, but the application can be interrelated and influenced .This paper outlines everything about plagiarism, particularly those which related to pirating someone's writing, understanding the scope of plagiarism, preventing measure, applying ethics, enforcing the law related to copyright and giving penalties for plagiarists. The development of the situation associated with the advancement of science and technology which keeps changing every day, growing and developing rapidly, including information and telecommunications.

The utilization of such knowledge advancement, if it is not balanced by prevention initiatives then the plagiarism will be rampant. The ethics enforcement or enforcement of Intellectual Property Rights (IPR)are by preparing the human resources with integrity, honesty, responsibility, equity, attitude of avoiding bad behavior, and attitude of prudent not deviating from the statutory provisions [13].

4.3. Plagiarism in the Perspective of Ethics

The word ethics comes from the Greek, *ethics,* which means arising out of habit. Ethics is a primary branch that learns the value or quality of a study on the standards and moral judgments. Ethics includes the analysis and application of concepts such as right / wrong, good / bad, and responsibility. Methodologically, ethics requires a critical, methodical, and systematic attitude in performing reflection, which can be regarded as a science, however ethics is actually human behaviour but other sciences also study human behaviour in which ethics gives normative viewpoints to consider good & bad against human behaviour. The relations between ethics and plagiarism is not separated from the relation with human behaviour in daily life. People plagiarize the work of others and thenregarded as their own works with the reason of having not enough time anddesiring to finish in a split second. That is the evidence of the weak ethics in theirselves because it seemed they do not want to make an effort [15].

5. Conclusion

To eliminate the violation of law and ethics in the case of plagiarism, it is necessary to provide preventive action as follows
1. Developing self integrity, so that they can always stay awayfrom committing the habit of copy-paste without mentioning the source of origin.
2. Using anti-plagiarism software.

6. Suggestion

Providing free anti-plagiarism software like www. Turnitin.com

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