

CHAPTER I

INTRODUCTION

A. Background of Research

Plagiarism is one of most importance topics discussed in Indonesia today. The practice of plagiarism is not just cirbbing of scientific paper but also in other aspects such as business, art, design, song and lyrics. In International Conference on Education and New Learning Technologies, delivering the data is The immediate effect of plagiarism appeared in 2011 where almost 40 % of lecturers underwent a professional certification failed to get the certificate mostly because of plagiarism found in their Academic Paper Written.¹ It shows how serious the plagiarism practices conducted in Indonesian academic life and more cases in the business or other various aspects of life.

Article 40 Paragraph 1 Law No. 28 of 2014 on Copyright, stipulates that: (2) Creation of protected includes work in the fields of science, art, and literature, consisting of: a. books, pamphlets, typographical arrangement of a published work, and all other written works; In this article,the researcher found that copyright is protected by Law.

¹ Soetanto,H and B.Suharto, 2013, *Hot Issues of Academic Plagiarism in Higher Education : The Case of Indonesia. EDULEARN13 Proceedings*, pp 6029-6035, Spain

Minister Regulation of National Education No. 17 of 2010, Article 1 Paragraph 1 defines plagiarism as the act of intentionally or unintentionally in obtaining the value of a scientific paper, by citing all or half of his/her scientific paper or scientific paper of others, without stating the source appropriately and adequately. When he/she do not cite his/her own paper, it is called autoplagerism.

The danger of plagiarism can be found in Article 112 to 118 Law No. 28 of 2014 on Copyright. It says the plagiarism in terms of moral or ethic, clearly violate the life is natural and normal and even breaking the law, because they take the ideas of others without knowing, without a valid license from the owner and usually does not mention explicitly and clearly the source of the original work.

Minister Regulation of National Education No. 17 of 2010, said the plagiarist sanctions has been described in Article 12, namely for those Lecturers / Researchers / Personnels. Among the sanctions are:

1. Reprimand;
2. Written warning;
3. Delays in the granting of right for lecturers, researchers, educators;
4. Decrease in academic rank, position, and function;
5. Revocation of the right to be proposed as a great teacher, professor, expert researchers, educators;

6. Honorable discharge of its status as a lecturer, researcher, or academic staff;
7. Dishonorable discharge of the status as a lecturer, researcher, staff;
8. Cancellation certificate obtained from the colleges concerned.

There have been a lot of plagiarism cases in Indonesia for example the case of plagiarism that committed by the three lecturers of UPI (Universitas Pendidikan Indonesia) for achieving their professor titles. The sanctions levied to all of them are in line with government regulations No. 53 of 2010 on the discipline of civil servants, and with the Minister Regulation of National Education No. 17 of 2010 on the prevention of plagiarism in college. Those three lecturers also got the sanctions from the legislation.²

The second case was the plagiarism done by Mochammad Zuliansyah, a graduate from the School of Electrical Engineering and Informatics (STEI) and the alumni of ITB (Institut Teknologi Bandung). He committed plagiarism in his dissertation for a doctorate decree in 2003. Actually his dissertation had already been written by other person and published in 2000. The original writer is Dr. Siyka Zlatanova from the University of Technology Graz, Austria. She conducted the research entitled '3D GIS for Urban Development' for her Ph.D dissertation. Siyka had presented her dissertation at

² Andrian Salam Wiyono, *Plagiat 3 Dosen UPI Gagal Jadi Guru Besar*, <http://www.merdeka.com/peristiwa/plagiat-3-dosen-upi-gagal-jadi-guru-besar.html>, Accessed on October 30, 2015 at 6.17 a.m.

the 11th International Workshop on Database and Expert System application, DEXA 2000.³

The practice of plagiarism has lead to copyright infringement both in terms of economical and moral rights or both. Thus, the goals of intellectual property rights are to allow individuals utilizing of their intellectual products, and to improve the innovation and invention in the science and technology.

Until today, law protection against plagiarism of scientific paper is still weak. Lack of knowledge on the copyrights among university students is also another cause of plagiarism. Academic sanctions imposed to those plagiarists are still not serious.

If the plagiarism in academic setting is not taken into serious consideration, the fate of the future generation is at stake. Plagiarim behavior will bring multilevel impacts on the quality of education output, working performance of the employee, business practices, law enforcement, and many others. Since plagiarism is related to the ethics and moral, the nation's existence would be threatened as it is supported by unqualified human resources.⁴

³ Arry Anggadha, *ITB menyatakan plagiarisme yang dilakukan oleh Zuliansyah dilakukan dengan sengaja*, http://nasional.news.viva.co.id/news/read/146300-itb_cabut_gelar_doktor_zuliansyah, Accessed on October 30, 2015 at 6.17 a.m.

⁴ Suwarjo, 2012, *Identifikasi Bentuk Plagiat Pada Skripsi Mahasiswa Ilmu Pendidikan Universitas Negeri Yogyakarta*, UNY, Page. 5.

B. Research Problem

1. How does legal protection against Academic Paper Written by lecturer and students.
2. What is the mechanism of law protection of Academic Paper Written by Students and Lecturers.

C. Objective of Research

1. To know what is the law protection against the academic paper written based on the law
2. To know the mechanism of law protection of Achademic paper written by students and lecturer According to the law

D. Benefits of Research

1. Theoretically; the research would enrich the legal protection of the intellectual Property Right in the term of Plagiarism , and to give more understanding about mechanism on law protection of the plagiarism.
2. Practically; the research is initial action on the urgency of legal protection against plagiarism.

