



Transfer of Copyrights on The Issues of Plagiarism in Review of Civil Law

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Abstract

The increasing era of globalization has had an impact on various sectors of life, one of which is the search for various sciences that can develop human potential, but behind the ease of accessing various information, there is an act of plagiarism that is very dangerous for every work and writing of others. This study uses a descriptive method with a qualitative approach and data triangulation analysis, the results of the study explain that, plagiarism activities are a crime that exists in any field, in fact these activities are commendable actions and are against the law, in Indonesian positive law, plagiarism activities are included in category of criminal law crime and can be rewarded with various sanctions ranging from the threat of monetary fines and imprisonment, plagiarism can also reduce the morals and dignity of others, and have an impact on the disintegration of the academic community because the act of quoting without permission must be prevented and if it occurs it must addressed as early as possible, there are many actions that are classified as plagiarism activities, ranging from quoting, plagiarizing, selling and changing the contents of the writing, intentionally and without official permission from the original author.

Keywords: Copyright, Plagiarism, Civil Law

1. Introduction

The Indonesian nation is a nation that is very creative, superior, innovative and of course has a high spirit to be able to advance its education and culture sector, through the various works that have been created, there are many proud achievements that have been achieved by the nation's children and are able to raise the name of the nation. Indonesia is not only at the national level but also at the international level, but behind all these struggles and hard work, ironically there are individuals who easily tarnish and damage the results of these works by taking actions that are not very commendable, namely by taking other people's works/ideas or opinions seem to be their own works and opinions without mentioning the main source, or what we often know as plagiarism, Plagiarism is the act of using other people's ideas or works without informing the public about the work so that people perceive the idea or the work as an original work or idea (Shadiqi, 2019).

In this era of globalization, the act of plagiarism is increasing, of course, the practice of plagiarism does not only occur in the academic field, but more than that, plagiarism can also occur in the fields of music, art, scientific works, and others, all of which is caused by The human need for information and communication is very fast, with the passage of time the process of accessing various information and communication can easily be obtained from various news sources, such as books, newspapers, magazines, or through online news sites, this is certainly getting worse. makes it easier for humans to be able to develop their knowledge in finding news from various sources they want, but again with various conveniences to access all that information, it also affects someone's actions to take and admit it without the knowledge and permission of the person who made it or who created it. Yuliati (2012) states, plagiarism is taking other people's writings (opinions and so on) and making them look like their own compositions (opinions).

All forms and acts of plagiarism in any field are certainly not justified and are against the law and the Act, because it can harm the works and creations of others, plagiarism is a serious act where such actions can degrade and degrade the dignity and worth and also one's integrity, in addition to plagiarizing and acknowledging the work of others without including legitimate sources and authors, will have a negative impact on future generations in the process of developing knowledge because by taking the act of quoting or plagiarizing, new ideas and processes will not emerge. as contained in the Copyright Law Number 28 of 2014 in article 40 paragraph (1) explaining that, regarding protected works in the fields of science, art and literature, it consists of 19 points, of which are written works and others, Plagiarism, namely plagiarism or taking essays, opinions, and so on from other people and make it look like your own composition and opinion (Hakim, 2018).

The development of plagiarism cases in Indonesia itself is increasing day by day, of course as a big country that has given birth to various works and achievements in various fields of science, the Indonesian people should start learning to abandon actions that can harm the nation and its people, based on a survey conducted by the Political and Economic Risk Consultancy (PERC) institution, Indonesia is the worst violator of intellectual property rights in Asia by placing Indonesia at 8.5 out of a maximum number of 10 which means it occupies the top position among 1 other country in the Asian region. With the results of the survey, it further confirms that acts of plagiarism in the country have indeed become a culture and habit that is difficult to get rid of until now, despite the fact that the government itself has issued a law that regulates acts of plagiarism in Indonesia as stated in the Criminal Code, to be precise in Article 380 which stipulates: (1) It is punishable by a maximum imprisonment of two years and eight months or a maximum fine of five thousand rupiahs (Alfarisi, 2018).

Actually, the act of plagiarism or quoting other people's work, basically is not prohibited, as long as the process and procedures are in accordance with the applicable rules, but the problem is plagiarizing or quoting other people's work in full to many pages, as has been explained previously that the act of plagiarism is an intellectual crime, because it intentionally takes and steals other people's ideas, ideas, and writings by not including the author's name, and a clear source, Permendiknas No. 17 of 2010 considers that plagiarism is an ethically and morally reprehensible act

but does not consider it a criminal act. This can be observed from the formulation of sanctions in the form of administrative sanctions and not criminal sanctions, but Article 25 of the other National Education System Law states that plagiarism is a crime because of criminal sanctions in the form of imprisonment for a certain period of time and the imposition of fines, after knowing the contents and the legal rules contained in the two articles, then the act of plagiarism does contain legal procedures that have been regulated by the Indonesian government and cause harm to many people (Simanjuntak, 2018; Putra, 2019).

In general, plagiarism does violate the law and human moral ethics, these actions can occur in any field and study in Indonesia, as a consequence of the practice of plagiarism the government through various laws and government regulations has taken firm action against the perpetrators of theft of works and writings. other people into a Law Article 25 of Law no. 20 of 2003 (Nahrowi, 2014; Zurnetti et al, 2018). The act of plagiarism does not support the function of national education because of the potential, ability and character as well as a dignified nation's civilization in the context of the intellectual life of the nation and will not take shape, especially for perpetrators who do not think about the action and its consequences for the wider community. Law No. 19 of 2002 concerning Copyright, which was renewed by Law 28 of 2014 concerning Copyright, explaining that creators have exclusive rights and are based on declarative principles. Exclusive means a right that is solely intended for the holder so that no other party may use the right without the holder's permission.

2. Approach Method

This study uses descriptive analysis using qualitative methods. Researchers also want to examine a phenomenon that discusses the Transfer of Copyright on Plagiarism Issues in Review of Civil Law, Qualitative research is a scientific research that aims to understand a phenomenon in a natural social context by prioritizing a process of deep communication interaction between researchers and the phenomenon being studied. investigated (Moleong, 2021). Data collection method is a technique used by observation, interviews, literature studies to documentation studies must be based on the relevance of research that occurs in the field.

3. Result and Discussion

3.1 Legal Protection for Plagiarism in Indonesia

To better understand the meaning of plagiarism itself, the term plagiarism comes from the Latin, namely, Plagiarius which means kidnapper, while according to Wibowo (2012), plagiarism is the thief of writing / creations that are protected by copyright, but in general the understanding of plagiarism can be said as an act of announcing or duplicating other people's creations and being recognized as their own creations, either in part or in whole of said works/writings, without valid permission and authority, plagiarism or taking essays, opinions, and so on from other people and making them look like their own compositions and opinions (Prihantini&Indudewi, 2017; Panjaitan, 2017).

Legally and by law, intellectual property rights are very much protected by the government, therefore every writing, as well as other works must get a proper appreciation and also official recognition among the wider community, on the other

hand there are two rights attached to every work. or writing created by a person, both rights include economic rights and moral rights, which are included in economic rights are the rights to benefit from the results he has made during the process of making the work, while moral rights are rights inherent in oneself. the creator of the work, its nature cannot be changed and deleted without permission, while in Law Number 28 of 2004, it is explained that copyright is an exclusive right, for the creator or recipient of the right to publish or reproduce, his creation or give permission for it without reducing the restrictions according to the regulations applicable laws (Budoyo et al, 2018; Achmad, 2021).

As for what is included in the scope of plagiarism, namely, quoting other people's words consciously without mentioning the source of clarity and the origin of the author, then the second using the ideas, ideas, views and opinions of others without mentioning the source of origin and without having proper authority. legal, the third point uses data or information that is still related to the work of others, then acknowledges the works and writings of others as one's own property, and finally paraphrases other people's scientific works without including the name of the original author, while according to Utama (2013) There are several types of using plagiarism that are prohibited by law, including word-for-word plagiarism, source plagiarism, authorship plagiarism, and publication plagiarism.

Some of the criteria that are included in intellectual property rights protected by law include literary, scientific, artistic, books, articles, journals, theses, some of which are very risky to be plagiarized and misused intentionally by others. , through a criminal law law the Indonesian government tries to protect every intellectual property right that exists in society, as explained in Article 113 of Law no. 28 of 2014 concerning Copyright with a maximum penalty of 4 (four) years in prison and or a maximum fine of Rp. 1,000,000,000, - (one billion rupiah).

There are several criminal threats against people who intentionally use and plagiarize the work or writings of others without having permission and known sources, which are implied in Article 380 (1) of the 1st Criminal Code, among which are, the perpetrator can be threatened with a criminal imprisonment for a maximum of two years and eight months or with a fine of a maximum of five thousand rupiahs, then it is also explained about people who sell, offer, deliver, in the form of books, writings, scientific works, and in which there is a stamp or fake signature that on behalf of himself, then the act is included in the crime of deceit and forgery.

The act of plagiarism is a violation and it is clear for everyone who violates it will get an appropriate legal reward, because in fact the copyright of someone's work cannot be distributed, reproduced or used freely, if there are other people who are not creators then take part or all of the work either for personal consumption or for distribution to others, then it is clear that he has committed a copyright infringement, it is also mentioned in, Normatively, plagiarism contains an element of intellectual persecution because there is a forced taking of words or ideas without permission of the owner. Therefore, plagiarism is considered an act of theft, because stealing means taking someone else's property without permission or illegally. If the act of theft is identical with taking property, then the work which is the object of the act of plagiarism is also property (Hakim, 2018).

As explained above, in the enforcement of copyright, it is closely related to the act of plagiarism, the action is carried out by an individual or group where the person who carries out the plagiarism activity is called a plagiarist, in which it involves matters of taking writing, forgery of signatures, taking ideas, ideas that are the work of others, but making them look like our own compositions and works, Plagiarism is defined as taking other people's words, ideas, data or sentences without mentioning the source, as well as using other people's blogs to do their own work and regard it as their own (Yuliati, 2012; Alfarisi, 2017).

3.2 The Concept of Plagiarism in Law in Indonesia

The existence of legal protection for the criminal act of plagiarism in Indonesia, basically gives rights and authority to the owners of intellectual rights in obtaining various legal protections that apply in Indonesia, as for some of the powers that are obtained by the owners of these intellectual rights, including the creator or copyright holder. have the right to file a claim for compensation, to the relevant local court if there are violations that can harm the rights of the creator, then the intellectual rights owners are also entitled to ask for compensation for some of their works that are misused by irresponsible people.

The act of plagiarism is indeed very dangerous for the next generation of the nation in creating ideas or making ideas that can develop all their potential and abilities to advance the education and culture system in Indonesia for the better, the concept of the crime of plagiarism seems to have become a culture rooted in Indonesian society, according to Suhadi (2019), those classified as acts of plagiarism are, firstly admitting other people's writings as their own, then acknowledging other people's ideas as their own thoughts, then acknowledging other people's findings as their own, acknowledging the group's work as one's own, presenting writings the same on different occasions without mentioning the origin, and the last one summarizes and paraphrases (quotes indirectly) without citing the source, but the sentence sequences and word choices are still too similar to the source, according to Rule M. Indonesian National Education Ministry No. 17 of 2010 concerning Prevention and Overcoming of Plagiarism Article 2 paragraph (1) states that the types of activities included in plagiarism include, citing and formulating various words, sentences, information, data, utilizing sources of opinions, ideas, theories and the views of others without citing sources adequately citing sources.

Although plagiarism activities are included in acts of theft and crimes that can harm related parties, but in fact there are plagiarism activities that do not violate the law and are permitted, but with the terms and conditions that have been set, including, using information in the form of general facts, then rewrite it by changing the sentence (paraphrasing other people's opinions by providing clear sources and having obtained permission from the author, the third point quoting sufficiently the writings and opinions of others by giving clear boundaries in the quotation section and not forgetting to write the source, if someone has already quoting other people's works or writings, you should use two quotation marks by including a clear source, then in the paraphrase section you should express someone else's idea accompanied by your own words without changing the existing meaning.

In the context of plagiarism, someone is said to have violated copyright if he does not include a clear source, because basically the source of other people's

thoughts has value and is directly protected by the government, even though officially the act of plagiarism has been regulated by law but the practice of plagiarism still often happens today, even these actions are mostly carried out by academics and intellectuals and it can be said that these people have understood the legal consequences that will be received if they commit the act of plagiarism, according to Patawari (2019) plagiarism as an act of plagiarism. against intellectual honesty.

However, legal provisions must still be carried out and carried out properly, because the nature of the violation is unacceptable and is an act that is not commendable in the eyes of the law, Likewise with acts of plagiarism that harm others in rights, ideas, ideas, works and others, especially this is a creation and the rights of others who have received legal protection, because in reality the practice of plagiarism does not only occur in the field of scientific work, so the sanctions for people who commit these actions do not come from only one legal regulation, there are several laws that regulate plagiarism activities such as, Copyright Law no. 28 of 2014, the Minister of National Education concerning the prevention of plagiarism no. 17 of 2010, the national education system law no. 20 of 2003, all of which regulate sanctions for plagiarism, either explicitly or implicitly.

3.3 Types of Plagiarism in Civil Law

There are several types of plagiarism, all of which have different characters and meanings, and one of them is total plagiarism, where an act is carried out by someone by completely plagiarizing from the beginning of the paragraph to the end of the word, usually in the practice of total plagiarism. the author only changes the name of the original author and related agencies, the next step for this author is to change the title and change some parts of the abstract to the subtitles.

Second is partial plagiarism, this action is carried out by an author by plagiarizing some of the work of others, although not in full, but the author has changed a lot in the basics of thought, theory, to the discussion and conclusion section.

The third is auto plagiarism, this activity is carried out by an author by only changing certain parts, because actually it is done by an author on his own work, either partially or completely. For example, when writing a scientific article, an author copies and pastes certain parts of his work in a published book without citing the source.

Fourth, plagiarism between languages, this action is usually carried out by an author by translating a scientific work that has a different language and is replaced with the language he wants,

From the various explanations regarding the acts of plagiarism above, it is very clear that all that is included in the act of plagiarizing and changing the contents of other people's works is still dangerous and very detrimental to others, on the other hand the act of plagiarism is also contrary to the authorized law, the unethical act is also can damage the image of the institution where the author works and reduce the image and public trust in certain professions and scholarships, because basically in every work and writing a person has rights and authorities that must be fulfilled as a reward and the highest appreciation for a writer, economic rights are rights to obtain economic benefits from the creation, while moral rights are rights attached to the

creator or actor (art, recording, broadcast) that cannot be removed for any reason, even though the copyright or related rights have been transferred (Pasaribu, 2019).

4. Conclusion

The activity of plagiarism is a crime against intellectual rights, which occurs in almost various fields such as scientific works, writings, arts, and others, this activity can actually harm others, and violates legal authority, the government has officially banned and made. There are several threats against perpetrators who intentionally commit acts of plagiarism, ranging from sanctions in the form of reprimands, fines, to the level of imprisonment, there are several activities that fall into the category of plagiarism, such as plagiarizing writing, changing the content of a work, making fake signatures, and admitting other people's writings as their own writing, of course these activities must be avoided and eliminated in any field because in addition to harming other parties this action is also very dangerous for the next generation of the nation because it is feared that with the frequent acts of plagiarism, the thought process of new knowledge will be difficult on chip No, as wise citizens, we should give various appreciations and awards as proof that we care and respect every process of writing other people's writings and scientific works.

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