

THE LEGAL ROLE AND RESPONSIBILITY OF THESIS SUPERVISORS ABOUT STUDENT FINAL PROJECT PLAGIARISM

Miftah Ulumudin Tsani^[1]; Dedi Sugiyanto^[2]; Cantika Aulia Febriyanti^[3]; Farah Mutia Yulianti^[4]

Faculty of Law, Islamic University of Kalimantan Muhammad Arsyad Al Banjari Banjarmasin
Jl. Adhyaksa No.2, Sungai Miai, North Banjarmasin District, Banjarmasin City, South Kalimantan 70123

*Email: ulumudin.tsani@uniska-bjm.ac.id^[1]; dediboy44@gmail.com^[2]; cantika.aulia37@gmail.com^[3]; awmutia02@gmail.com^[4]

* Corresponding Author

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Abstract: *The problem of plagiarism in the academic environment is currently one of the problems that must be anticipated, technological developments have 2 conflicting impacts on students and lecturers, technology provides openness to all the information needed so that it can produce something positive if used and utilized properly but on the contrary, it will have a negative impact if misused in making scientific works. So that the Role and Legal Responsibility of Thesis Supervisors Against Plagiarism of Students' Final Assignments is deemed necessary to be studied, in this research article raises the formulation of the problem in the form of how the legal responsibility of the thesis supervisor to students who are proven to have committed plagiarism. The research method used is normative legal research, namely legal research that uses secondary data sources or data obtained through library materials in the form of laws and regulations, books or scientific research results. The results of this study are the responsibility of the thesis supervisor for plagiarism of students' final assignments regulated in the Regulation of the Minister of Education, Culture, Research and Technology Number 53 of 2023 concerning Quality Assurance of Higher Education and Law Number 28 of 2014 concerning Copyright. If a student's final assignment is proven to be plagiarized, legally the thesis supervisor is not held responsible. Still, there is an exception if the final assignment is developed into an article published in a scientific journal and includes the supervisor's name. The lecturer has violated academic integrity and must be held legally responsible in the form of administrative, civil and criminal cases.*

Keywords: *Final Project; Plagiarism; Lecturer.*

1. INTRODUCTION

Development of human resources in Indonesia has become one of the key aspects receiving significant attention from the government. Various programmes have been initiated to support this need, including education at the primary, secondary, and

higher levels. Higher education serves as a crucial pillar in the development of individual potential and the advancement of knowledge within society.(Nursanjaya, 2019) One of the essential components of higher education is research, which often culminates in the writing of a thesis by students. A thesis is a scientific work that must reflect a student's understanding, knowledge, and original contribution to their field of study.(Asmawan, 2016)

In the context of higher education, writing a thesis is a crucial stage in a student's academic journey. A thesis serves as evidence of a student's ability to conduct research, analyse data, and demonstrate communication and writing skills.(Zain et al., 2021) The thesis writing process requires dedication and hard work, demanding students to produce original work while respecting copyright and maintaining academic integrity.(Wulandari & Ana Setiani, 2018) Unfortunately, the issue of plagiarism has become a major concern in higher education.

Plagiarism has long been a serious issue in the academic world. This term refers to the act of taking, copying, or using someone else's work without giving proper credit or obtaining the necessary permission. Plagiarism involves the appropriation of ideas, texts, images, or research findings from other sources and claiming them as one's own. In academic research, plagiarism can include copying part or all of a text from specific sources, such as scholarly journals, books, or previous theses, without providing proper attribution.(Akib & Ibrahim, 2017)

In the context of academic research, plagiarism has far more serious consequences. Research conducted by academics or students is expected to provide an original contribution to a specific field of knowledge. Plagiarism can undermine the value of the research, compromise the authenticity of the contribution, and diminish the credibility of the contributor within the academic community.(Husni, 2021) This has a significant impact on the research, learning, and evaluation processes. When students or researchers commit plagiarism, they undermine the fundamental values of honesty, integrity, and ethics in academia. Plagiarism also harms the offenders themselves by limiting their ability to develop knowledge, skills, and academic credibility.

Many educational institutions have strict regulations regarding plagiarism, and violations can result in disciplinary sanctions such as disqualification, suspension, or even expulsion from the institution. Beyond academia, plagiarism can also lead to legal action, including disputes over copyright infringement.

To address the issue of plagiarism in academic research, it is essential to understand its causes, implement practices to prevent it, and foster awareness of the serious consequences associated with plagiarism.(Hanum et al., 2021) In this context, the role of thesis supervisors and educational institutions in providing guidance, education, and effective supervision is crucial. Additionally, a collaborative effort is

needed to create an academic environment that promotes integrity and values original work in research.(Prihantini & Indudewi, 2017)

Thesis supervisors play a crucial role in preventing students from committing plagiarism in their thesis writing. Their role in this effort is undeniably significant. A thesis supervisor is not only a research overseer but also a mentor responsible for educating students about academic ethics and integrity. One of the primary responsibilities of a thesis supervisor is to provide in-depth academic guidance. They must ensure that students have a thorough understanding of proper writing principles, including correct citation practices, respect for sources, and appropriate ways to acknowledge others' contributions. By fostering a strong understanding of research ethics, supervisors help students avoid the temptation of plagiarism as a shortcut.(Wibowo, 2012)

Additionally, thesis supervisors play a crucial role in encouraging students to think creatively and produce original research. They must inspire students to develop their own ideas rather than resorting to plagiarism as an easy alternative. In this regard, supervisors serve not only as guides who help students navigate the technical aspects of research but also as mentors who foster creativity and intellectual exploration.

Monitoring research progress is also an integral part of a thesis supervisor's role in preventing plagiarism. By regularly tracking students' progress, supervisors can identify early signs of plagiarism and take appropriate corrective action. Educating students on research ethics and the ethical use of sources is a responsibility that supervisors must not overlook. Students need to develop a deep understanding of the importance of properly acknowledging others' contributions in their work.

In addition to providing guidance, thesis supervisors also have the responsibility of setting a good example. By practicing academic integrity in their own research and writing, they can serve as role models for students. Ultimately, supervisors can also contribute to creating an academic environment that promotes integrity. This includes supporting strict policies against plagiarism and providing students with the necessary support in plagiarism prevention efforts. By fulfilling these roles, thesis supervisors not only guide students academically but also shape their character as ethical and integrity-driven researchers.

In this context, the academic code of ethics is not merely a guideline but a fundamental framework for upholding ethical standards in higher education and research. Thesis supervisors who practice academic integrity play a crucial role in fostering an ethical and integrity-driven academic culture, ultimately benefiting both students and the broader academic community.

The academic code of ethics serves as an ethical guideline that defines the expected behaviour of members of the academic community, including students,

lecturers, and researchers. It functions not only as a guide but also as a reflection of core values such as integrity, honesty, and respect for copyright in the context of education and research. The primary objective of the academic code of ethics is to uphold and promote high standards in academic practices, ensuring that scholarly work is original, ethical, and credible.

Plagiarism is not only a violation of academic ethics but also carries serious legal implications. These implications relate to copyright and intellectual property rights held by the original author or owner of the work. Plagiarism can constitute copyright infringement if the work is protected under copyright law. In many jurisdictions, copyright is automatically granted to the author upon the creation of their work.

In cases of plagiarism, the original creator of the work has the right to file a copyright infringement claim. Such legal action can result in penalties, including fines or compensation claims, depending on the severity of the violation and the damage caused by the plagiarism. Consequently, plagiarism carries legal consequences that may pose financial and legal risks to the offender.

Furthermore, in higher education, plagiarism can lead to academic disciplinary sanctions. Many educational institutions have strict regulations regarding plagiarism and academic misconduct. These sanctions may include grade reductions, suspension, or even expulsion from the institution.

Thus, plagiarism is not merely an ethical issue but also a serious legal matter. It is crucial for members of the academic community, particularly students and researchers, to understand the legal implications of plagiarism and to adhere to the academic code of ethics established by their institutions. This is not only to uphold academic integrity but also to protect themselves from potential legal consequences. In this context, the academic code of ethics serves as a vital guideline for maintaining quality, integrity, and ethical standards in higher education and scientific research.

The legal responsibility of thesis supervisors and their role in preventing students from committing plagiarism are interconnected and have a significant impact on maintaining academic integrity in higher education. A supervisor's legal duty to report and guide students in cases of plagiarism reflects an institution's commitment to academic honesty, while their role in educating and mentoring students serves as the foundation for effective plagiarism prevention. Both aspects are essential in creating a fair, transparent, and integrity-driven academic environment.

In cases of plagiarism, the original owner of the work has the right to file a lawsuit for copyright infringement as regulated in Law Number 28 of 2014 concerning Copyright. Plagiarism is considered a serious violation of academic ethics, and its consequences can be severe. In many jurisdictions, supervisors are required to report cases of plagiarism to the relevant authorities within their institution. Following an investigation, the institution will take appropriate action based on its academic policies.

The sanctions imposed depend on the severity of the plagiarism and institutional guidelines, ranging from warnings to suspension or even expulsion.(Fadilla et al., 2023)

In addition to their legal responsibilities, thesis supervisors play a crucial role in preventing students from committing plagiarism in their thesis writing. As mentors, they are responsible for fostering academic integrity among students. One of the key steps in this effort is ensuring that students have a clear understanding of what constitutes plagiarism. Supervisors must also teach proper citation techniques and ensure that students fully grasp the importance of crediting the sources they use. Furthermore, they should provide continuous support at every stage of the student's research process, including offering constructive feedback to help improve their work.

Plagiarism prevention measures also include openly discussing research ethics and encouraging students to develop their own original ideas.(Wibowo, 2012) Thesis supervisors can serve as role models for academic integrity, guiding students toward ethical and honest research practices. Thus, their role extends beyond research supervision to shaping students' character and academic ethics, which is essential in fostering an honest and integrity-driven academic environment.

Based on the background of the issue discussed above, the research problem in this study is What are the legal responsibilities of thesis supervisors regarding students' final assignments that have been proven to involve plagiarism?

2. METHODS

In legal research, there are two types of studies: normative legal research and empirical legal research. Normative legal research is a type of legal study that relies on secondary data sources or data obtained through literature materials. On the other hand, empirical legal research is a method of studying unwritten positive law concerning the behavior of community members in their social interactions. To obtain, collect, and analyze scientifically relevant data, a structured and systematic methodology is required.

This study employs an empirical juridical research approach. The primary focus of this research is on legal aspects related to plagiarism in the academic context, particularly at Universitas Islam Kalimantan Muhammad Arsyad Al-Banjari. The data collection method used in this research will be qualitative, potentially involving interviews with thesis supervisors, students, and relevant academic staff. Additionally, the study may include document analysis of university regulations and case studies on plagiarism incidents within the institution. The research approach follows a socio-juridical perspective to examine the interaction between legal norms and academic practices.

3. RESULTS AND DISCUSSION

Legal Responsibility of Thesis Supervisors for Students' Final Assignments Proven to be Plagiarised

The advancement of technology is currently progressing at a rapid pace, to the extent that human roles and capabilities are gradually being replaced by computer-based artificial intelligence. This can be evidenced by the vast array of applications and websites that are freely accessible, which have significantly facilitated human needs today. One of the needs that can be addressed through these applications and websites is related to academic requirements, such as book writing, various types of assignments, research, and other forms of scholarly work.

This development is undoubtedly beneficial for teachers, lecturers, students, and university learners, as it provides an opportunity to expand their academic knowledge more easily. However, on the other hand, some individuals misuse the convenience provided by artificial intelligence by plagiarizing others' scholarly work and claiming it as their own intellectual creation. As a result, several parties suffer losses, as producing scholarly work is not merely about intellectual output; from its composition to completion, such work holds various values, particularly economic value.

Another crucial impact of misusing others' scholarly work is the potential hindrance to human resource development in Indonesia. Furthermore, it may damage the reputation of students who engage in such misconduct and, inevitably, the standing of the higher education institutions they belong to.

The misuse of scholarly work, when referring to the nomenclature in Indonesia, is known as plagiarism. According to Ministerial Regulation of Education, Culture, Research, and Technology of the Republic of Indonesia Number 39 of 2021 on Academic Integrity in Producing Scholarly Works, which revoked Ministerial Regulation of National Education Number 17 of 2010 as it was deemed no longer relevant to current academic needs, plagiarism is defined as taking a part, a portion, or the entirety of another person's work without properly citing the source, rewriting another person's work partially or entirely without using one's language even when citing the source, and using a part or the entirety of one's own previously published work without accurately citing the source.

Observing the regulations outlined in the Ministerial Regulation, it is evident that the issue of plagiarism today is broader and more complex than in previous regulations. There are three criteria for plagiarism, which highlight the government's serious commitment to addressing plagiarism in higher education. Apart from plagiarism, referring to Article 9 of Ministerial Regulation of Education, Culture, Research, and Technology of the Republic of Indonesia Number 39 of 2021 on Academic Integrity in Producing Scholarly Works, several violations of academic integrity in scholarly work are outlined. These include fabrication, falsification, plagiarism, improper authorship,

conflicts of interest, and duplicate submissions. However, in this study, the researcher focuses specifically on the issue of plagiarism.

Given the complexity of plagiarism as an academic integrity violation, careful efforts are required in drafting scholarly work. One such scholarly work that involves a lengthy process is the undergraduate thesis, which serves as a final requirement for students to obtain a bachelor's degree, in addition to education and community service as outlined in the tri dharma of higher education. An undergraduate thesis is often referred to as a final project in some higher education institutions. However, in its development, final projects have become more diverse and are no longer strictly limited to traditional undergraduate theses. These alternative final projects are outlined in Ministerial Regulation of Education, Culture, Research, and Technology Number 53 of 2023 on Higher Education Quality Assurance. Some of these alternatives include Collaborative Projects, Portfolios, Internships and Field Practices, Product Prototypes, and Scientific Publications.

In this research article, the researcher limits the focus of the study to final projects in the form of undergraduate theses to ensure a more measurable and directed analysis. To facilitate the writing process, each student is assigned a supervisor to assist in overcoming challenges encountered while completing their scholarly work. This role is commonly referred to as the undergraduate thesis supervisor. In the digital and internet era, being a thesis supervisor presents unique challenges, especially since undergraduate theses are expected to contain elements of novelty or produce new findings that contribute to the advancement of science and technology.

The impact of digitalized information and the internet is inevitable, as individuals now have unrestricted access to information. Many scholarly works, including research articles and undergraduate theses, are published on various websites, both on official university platforms and other online sources. This reality can be seen as a double-edged sword—when used appropriately, it offers significant benefits, but it also poses risks when misused. On the positive side, scientific discoveries are advancing rapidly due to the further development of existing findings. However, a major drawback is the potential for these works to be claimed by irresponsible parties. Given these dynamics, the role of a thesis supervisor has become increasingly complex. Not only must they continuously update their knowledge, but they must also be more meticulous in guiding students through the thesis process to ensure academic integrity.

Therefore, to strengthen the monitoring and supervision of plagiarism, this issue should not be solely the responsibility of undergraduate thesis supervisors. The government, alongside higher education institutions, should also play an active role in preventing and addressing violations of academic integrity. Universities, in particular, should equip both lecturers and students with various programs and regulations that must be adhered to, both during the thesis-writing process and after its approval.

A critical question arises: if a student's thesis is proven to be plagiarized, does the thesis supervisor also bear legal responsibility? Referring to the Indonesian Ministry of Education, Culture, Research, and Technology Regulation No. 39 of 2021 on Academic Integrity in Producing Scholarly Works, under the section on sanctions, penalties can be imposed on the academic community, which includes both lecturers and students. However, this does not mean that every case of student plagiarism automatically results in the thesis supervisor being held legally accountable.

Administratively, as stipulated in the aforementioned regulation, students found guilty of plagiarism may face sanctions such as grade reductions, delays or revocations of certain student rights, annulment of grades for one or more courses, expulsion from university, or revocation of their degree, competency certificate, or professional certification. Meanwhile, if a lecturer is found to have violated academic integrity, administrative sanctions may include a delay in academic promotion for up to three years, demotion by one academic rank, and/or dismissal from their position as a lecturer.

In general, academic works have a threshold for similarity, often referred to as the plagiarism threshold. The plagiarism threshold varies depending on the type of work and the regulations of each institution. Based on the type of work, such as theses, dissertations, or scientific journals, the similarity thresholds differ. The similarity level for a thesis is generally a maximum of 35%, a dissertation 30%, a doctoral dissertation 25%, and a scientific journal 20%. Meanwhile, based on national policy, it is regulated by the Ministry of Research, Technology, and Higher Education (Ristekdikti) with a similarity threshold of 25%.

Concept of intellectual property rights, this issue falls under copyright law, as its scope covers the fields of science, arts, and literature. The fundamental concept of copyright is that it is an individual or private right. If we refer to this private rights concept, a thesis is published individually by the student concerned, even though, in a broader sense, the thesis is approved by the thesis supervisor. This approval serves as a recognition that the student has completed their final assignment, which is a requirement for obtaining a bachelor's degree. However, the fundamental concept remains that the supervisor only acknowledges that the thesis belongs to the student whose name appears on the scholarly work, not that the supervisor claims ownership.

This differs from the growing trend among lecturers today, who plagiarize these as the basis for developing journal articles, which are then published either online or offline. If the thesis output is published as a journal article and the supervisor's name is included, the thesis supervisor acknowledges joint ownership of the journal article alongside the student. If this occurs, the supervisor must also bear responsibility for any violations, whether administratively, as regulated in the Indonesian Ministry of Education, Culture, Research, and Technology Regulation No. 39 of 2021 on Academic

Integrity in Producing Scholarly Works, or civilly, as stipulated in Law No. 28 of 2014 on Copyright, which also includes criminal provisions.

In civil law, if a lecturer is found guilty of plagiarized a scholarly work, they are liable to pay compensation, the amount of which is determined by a ruling from the Commercial Court. This compensation must be paid within a maximum period of six months after the court's decision has obtained permanent legal force. Furthermore, if the plagiarized scholarly work has been officially registered, the registration may be revoked. In terms of criminal liability, if a lecturer is proven to have committed plagiarism, they may face imprisonment for a maximum of two (2) years and/or a fine of up to IDR 300,000,000 (three hundred million rupiahs).

If we look carefully, the accountability for each act of plagiarism has different levels of responsibility. The severity of the accountability is determined by the damages caused by the plagiarism. The damages in question can be moral or economic losses to the rights holder (creator). This means that actions that violate the moral and economic rights owned by the rights holder (creator) can be subject to legal accountability.

3. CONCLUSIONS

Based on a legal analysis of the responsibility of thesis supervisors regarding plagiarism in students' final assignments, the matter is regulated under Minister of Education, Culture, Research, and Technology Regulation No. 53 of 2023 on Higher Education Quality Assurance and Law No. 28 of 2014 on Copyright. If a student's final assignment is proven to be plagiarised, the thesis supervisor is not legally liable. However, an exception applies if the final assignment is developed into an article and published in an academic journal with the supervisor's name included. In such cases, the supervisor has violated academic integrity and must be held legally accountable, whether administratively, in civil law, or criminally.

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