

SANCTIONS FOR PLAGIARIZERS OF SCIENTIFIC PAPERS FROM THE PERSPECTIVES OF POSITIVE LAW AND ISLAMIC LAW

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ARTICLE INFO	ABSTRACT
<p><i>Article History</i> Recieved Sept 2025 Accepted Okt 2025 Available Nov 2025</p>	<p>This study aims to explain and analyze the sanctions for plagiarism in writing scientific papers from the perspective of Islamic law and positive law. The main focus of this study is to understand how Islamic law and positive law view plagiarism and the sanctions that should be applied to the perpetrators. It is hoped that this study can provide better insight into the appropriate sanctions for plagiarism perpetrators, as well as encourage awareness of the importance of academic integrity among students. Thus, this study not only aims to provide solutions to the problem of plagiarism, but also to improve the quality of education and appreciate scientific work in Indonesia. This study uses normative legal research and library research by conducting a review of laws and regulations, books, and fiqh books related to the title of this thesis. The results of this study indicate that in Positive Law, Plagiarism perpetrators can be subject to administrative, academic, or criminal sanctions, depending on the level of error and the impact caused. In Islamic Law, Plagiarism is considered an act of violating copyright and is a form of injustice. Punishment in Islam is ta'zir, which can be in the form of a warning, fine, or other punishment determined by the authorities to provide a deterrent effect to the perpetrator.</p>
<p><i>Keywords:</i> Plagiarism, Islamic Law, Positive Law, Scientific Paper</p>	

Introduction

Enhancing the nation's intellectual life is Indonesia's primary goal, as mandated by its constitution. This is evident in the state's support for all educational programs, from elementary school to higher education. Universities must always adhere to the Tridharma (three pillars) of education, research, and community service, as a manifestation of this educational ideal. Therefore, all stakeholders, including students, must participate in its implementation.

A student is a term referring to an individual studying at one of various types of higher education institutions, such as academies, polytechnics, colleges, institutes, and universities. Therefore, a student can be defined as a person studying at a higher education institution, whether public or private, or at another institution comparable to a university. Furthermore, students are considered to possess intelligence, intellectual acumen, and sound planning skills. Drawing conclusions about what they learn is one form of student intellectuality. The most prominent characteristics of a student are independence and having high intellectuality and mature thinking intelligence for their future, having emotional freedom to have social relationships and determine their personality. Students certainly want to improve their achievements on campus, have responsibility and independence in completing lecture assignments, and a thesis as the final assignment of lectures that all students must carry out. This has been explained as in article 25 of Law Number 20 of 2003 concerning the national education system, where in the article it is explained that each university has a policy in determining graduation requirements as a form of obtaining an academic degree, students must complete a final assignment by creating a scientific work in the form of a thesis.¹

Because each study program has its own objective and specific problems, students who complete their undergraduate studies are required to conduct research in the form of a scientific paper in the form of a thesis that addresses various types of questions related to the competencies of each existing study program.² However, the problem that often occurs is when these students often have difficulty completing their final assignment in this case writing a scientific paper in the form of a thesis, the problem is that students often do not know how to write a scientific paper (thesis) or the students are busy with organizations on campus, there are even students who are more focused on work that provides a living in the form of money/salary that meets daily needs. Therefore, things that support lectures are put aside for a moment, so that there is negligence made by students in pursuing knowledge and their degrees.³

Working on a thesis is not as easy as it seems, for some people working on a thesis is a scary thing, not because working on a thesis is dangerous and can cause physical pain, but rather because working on it requires an extraordinary process that

¹ Nahrowi, *Plagiat Dan Pembajakan Karya Cipta Dalam Hak Kekayaan Intelektual* (2014).

² Khoirul Hidayah, *Hukum Hak Kekayaan Intelektual* (Malang, 2017).

³ *Hukum Bisnis, Malang* (2009: UIN Malang Press, n.d.).

takes up time, energy and takes up the mind, every student who has graduated will definitely not forget the difficult process of making it.⁴

This act of plagiarism is not justified in Indonesia considering that in Law No. 20 of 2003 concerning the National Education System which was then organically followed up through the Regulation of the Minister of National Education of the Republic of Indonesia No. 17 of 2010 concerning the Prevention and Handling of Plagiarism in Higher Education, even though it had previously been regulated in the Criminal Code and other copyright laws and regulations that had been in effect in Indonesia. There are a number of copyright laws and regulations that had been in effect in Indonesia, starting from the Auteurswet (stb No. 600 of 1912), Law No. 6 of 1982, Law No. 7 of 1987, Law 12 of 1997, Law No. 19 of 2002 and most recently with Law No. 28 of 2014 concerning Copyright. Apart from that, Article 44 of the Copyright Law, paragraph one letter a, also stipulates that for educational purposes, institutions are permitted to use it as long as the source is stated in full. This means that plagiarism in writing a thesis is permissible as long as the source is stated in full in the writing.

In the Islamic perspective, plagiarism is considered deceptive and is contrary to morals and etiquette. The Prophet Muhammad (peace be upon him) stated in the Hadith, "Whoever deceives us is not one of us." (Narrated by Muslim). Islam highly values ownership rights, and therefore, ownership rights in the form of ideas and concepts embodied in writing or copyright, which are part of intellectual property rights, must also be protected. From an Islamic legal perspective, exploiting another person's rights without the owner's permission is certainly not permitted, as ownership rights are property for the owner.⁵

The practice of plagiarism is referred to as an instant culture of education which makes work easier even though it is done in an unjustified way, thesis plagiarism is an act of making things easier for oneself or wanting to get a high grade because they consider a plagiarized thesis to be a new thing that is very useful for getting a degree without having to bother in the process of making it well, this is clearly detrimental to many parties whose ideas and concepts have been stolen, including the university institutions who will feel disadvantaged by this action.

Methodology

In this section, subtitles are written according to the content of those subtitles. This section is the main part of the article. This section should contain clear and scientific analysis and findings. The discussions in each section are comprehensively, logically, and systematically described. From a legal research perspective, this research falls into the normative legal research category. Normative legal research describes research conducted by collecting literature or secondary data. As explained above,

⁴ Imam Asy Syatibi, *Al Muwafaqat* (Beirut, 2011).

⁵ Khoiril Hidayah, *Hukum Hak Kekayaan Intelektual*, 1 (Malang: Setara Press, 2017).

normative legal research falls under library research.⁶ As this type of research utilizes normative legal research methods, the appropriate approach is qualitative. Qualitative is descriptive in nature, meaning that all data used are not numbers but words. This research employs a qualitative research method in the form of a literature review, which utilizes library materials as data sources by collecting sources from both positive and Islamic law.⁷ To obtain the research materials, this research will conduct a literature review, which examines legal materials. The legal materials in this research are drawn from primary, secondary, tertiary, and non-legal literature. Primary legal materials containing legislation or jurisprudence, such as the Quran, Hadith, laws, and legal norms in Indonesia. Secondary legal materials, which are closely related to primary legal materials, serve as data analysis sources, including related scholarly books, articles, journals, and websites. Tertiary legal materials obtained from relevant encyclopedias. Non-legal materials obtained from books on democracy and journals on the democratic system in Islam.

Discussion Results

Definition of plagiarism

According to the Big Indonesian Dictionary (KBBI), plagiarism is a noun, namely copying that violates copyright. Plagiarism is taking someone else's writing (opinions and so on) and making it as if it were one's own writing for example publishing someone else's written work under one's own name; plagiarism. And a plagiarist is a person who takes someone else's writing and publishes it as one's Own writing a plagiarist.⁸

Etymologically, plagiarism, the verb "to plagiarize," literally means to copy or cheat. Echols and Shadily translate plagiarism as plagiarism. The perpetrator is called a plagiarist.⁹ Plagiarism in the context of Indonesian positive law is regulated in Article 1 paragraph (1) of the Regulation of the Minister of National Education Number 17 of 2010, which defines plagiarism as "*perbuatan secara sengaja atau tidak sengaja dalam memperoleh atau mencoba memperoleh kredit atau nilai untuk suatu karya ilmiah dengan mengutip sebagian atau seluruh karya dan/atau karya ilmiah pihak lain tanpa menyatakan sumber secara tepat dan memadai.*"¹⁰

Plagiarism in islamic law

In classical Islamic teachings, there are no explicitly stated theories about plagiarism. However, implicitly, fundamental teachings are found that essentially relate to plagiarism and copyright. Islam views plagiarism as theft, lying, or fraud, and an act that can harm others, thus contradicting Islamic law. Plagiarism falls within the realm of

⁶ Fazari Zul Hasmi Kanggas, *Metodologi Penelitian Hukum Dan Hukum Islam*, 1 (UNIDA Gontor Press, 2025).

⁷ Noeng Muhadjir, *Metode Penelitian Kualitatif* (Jakarta: Raja Grafindo Persada, 2011).

⁸ *Peraturan Menteri Pendidikan Nasional Nomor 17 Tahun 2010 Tentang Pencegahan Dan Penanggulangan Plagiat Di Perguruan Tinggi*. (n.d.).

⁹ Echols dan Shadily, *Kamus Inggris-Indonesia* (Jakarta: Gramedia, n.d.).

¹⁰ *UNDANG UNDANG Kementrian Pendidikan Nasional Nomor 17 Tahun 2010* (n.d.).

criminal acts punishable by ta'zir (imperative) penalties. In this case, the plagiarist or perpetrator may be subject to fines for damages or imprisonment, intended to deter others. However, the ta'zir principle clearly states that the punishment is determined by the judge or policymaker.¹¹

Meanwhile, from an Islamic legal perspective, plagiarism can be considered a dishonest act that violates Islamic moral and ethical principles. The Prophet Muhammad (peace be upon him) said: "Whoever deceives is not one of us." (Narrated by Muslim, No. 101).

The perfection of Islamic teachings opens up the possibility that all aspects of life's problems can be answered and resolved through Islamic law, including the issue of plagiarism. In the context of Islamic law, plagiarism is considered a form of intellectual fraud because it involves deceiving the ownership of scientific works. The problem of plagiarism was not found in the past, so the term "plagiarism" does not exist in Islamic law. However, the substance of plagiarism can be found in the primary sources of Islamic law, namely the Qur'an and the Hadith

وَلَا تَبْخَسُوا النَّاسَ أَشْيَاءَهُمْ وَلَا تَعْنُوا فِي الْأَرْضِ مُفْسِدِينَ

"And do not deprive people of their rights, and do not spread corruption on earth."

Therefore, to maintain a person's safety, this danger must be eliminated. This is in accordance with the Islamic jurisprudence principle which states:

"Danger (harm) must be eliminated."¹²

In explaining this principle, Abdul Karim Zaidan stated that harm (harm) is a form of injustice prohibited by sharia. This shows that plagiarism, in any case, cannot be justified because it is an injustice that harms the rights of others, making it prohibited according to sharia.¹³

As explained, rights or anything of value, including property, are subject to plagiarism, whether as an act of ghasab or theft, which is contrary to the purpose of Sharia law (Maqhasid Al Syariah), specifically the preservation of property (Hifdz Al Mal). Therefore, a right, work, idea, or other thing must be protected to achieve the goal of Sharia law, namely the preservation of property. Regarding this matter, Wahbah Al Zuhaili is of the opinion that:

الحق المؤلف هو حق مصون شرعا يعتبر إعادة طبع الكتاب

وسرقة موجبة لضمان حق المؤلف في مصادر النسخ المطبوعة عدوانا وظلما وتعويضه عن الضرر الأدبي

الذي أصابه

¹¹ Tim Peneliti Fakultas Ilmu Pendidikan (FIP), "Identifikasi Perilaku Plagiat Pada Skripsi Mahasiswa Fakultas Ilmu Pendidikan (FIP) Universitas Negeri Yogyakarta, 2012.

¹² Kitab Hadir Shahih Muslim (n.d.).

¹³ Abdul Karim Zaidan, *Al Wajiz Fi Syarh Al Qawa'id Al Fiqhiyyah* (Beirut: Maussah, n.d.).

“Based on the fact that the right of authorship is a right protected by sharia (Islamic law), reprinting or copying a book (without proper permission) is seen as a violation or crime against the author’s rights; in the sense that such an act is a sin that gives rise to sin in the eyes of "This is a form of theft that requires compensation for the author's rights to a manuscript printed in an unlawful and unjust manner, resulting in moral harm to the author.”¹⁴

From this, it can be understood that the right of authorship is protected by Sharia law. Therefore, if someone plagiarizes, takes words, sentences, or takes a work in its entirety and acknowledges it, they have violated Islamic law. Likewise, if the plagiarized work is a right or work, it is considered a violation of the law and constitutes a sin. Therefore, the plagiarist must compensate the other person whose rights were stolen, both morally and materially. Wahbah Al Zuhaili's opinion was then strengthened by a statement from the Egyptian Fatwa Institute, Darul Ifta Al-Mishriyyah, which stated that:¹⁵

التصرف فيها، ولا يجوز الاعتداء عليها والله أعلم.

he message Allah's blessings هو الأصلية The rights of written and creative works are protected by sharia. Their owners have the right to utilize these works. No one may act unjustly against their rights.¹⁶ Based on this opinion, the crime of plagiarism against intellectual property rights and registered trademark rights by publicly claiming the work is an act of which is forbidden by Islamic law. This case falls under the prohibition of lying, forgery, and embezzlement. In this case, there is a practice of neglecting the rights of others; and the practice of consuming other people's property in a false manner.¹⁷

Based on the two explanations above, it can be concluded that plagiarism is an act that cannot be justified and is forbidden by Islamic law, because it can cause harm to others in the form of violated rights, easily pirated works, or stolen ideas.¹⁸

Therefore, it is appropriate for the Indonesian Ulema Council (MUI) to declare in its fatwa that "copyright is a right that must be protected, and piracy and anything that violates copyright is an injustice that is prohibited.”¹⁹

Fathi Al Duraini, in his discussion on copyright, concluded that reprinting or copying without rights or permission constitutes a violation and injustice against the rights of the creator of a work. Typically, perpetrators of such plagiarism escape responsibility. Therefore, Muslims must be those who can properly safeguard these rights.

¹⁴ Kaisarudin Kamaruddin, “Unsur Motif Dalam Tindak Pidana,” *Jurnal Negara Hukum* 2, no. 1 (September 2022).

¹⁵ *Al Fiqh Al Islami Wa Adillatuhu* (Beirut: Dar al Fikr, 2011).

¹⁶ Muhammad Amin Suma, *Pidana Islam Di Indonesia* (Jakarta: Pustaka Firdaus, n.d.).

¹⁷ Ibnu Hajjar Al Asqalani, *Panduan Lengkap Masalah Fiqih, Akhlak, Dan Keutamaan Amal* (Jakarta: PT Mizan, 1998).

¹⁸ Panjaitan Hulman, “Sanksi Pidana Plagiarisme Dalam Hukum Positif Di Indonesia, 2017.

¹⁹ Raco, *Metode Penelitian Kualitatif: Jenis, Karakteristik Dan Keunggulan* (Jakarta: Grasindo, n.d.).

In this case, with the above description, the author concludes that plagiarism is an act of copying or taking the ideas, concepts, data, or work of others, either in part or in whole, without giving credit or citing the original source, so that it appears as if the work is one's own work. This act includes various forms, such as direct copying, paraphrasing without acknowledgment, or using the work of others without permission, which is a violation of academic ethics and intellectual property rights.²⁰

Plagiarism Sanctions According to a Positive Legal Perspective

Sanctions for plagiarism are not regulated by a single regulation; various regulations establish sanctions for plagiarism. Laws such as Copyright Law No. 28 of 2014, Plagiarism Prevention Law No. 17 of 2010, and National Education System Law No. 20 of 2003 prohibit plagiarism, both directly and indirectly. Plagiarism generally occurs in all aspects of work, both scientific and non-scientific, academic and non-academic. It is not limited to the university environment but also occurs outside of it.

This means that if a student is found guilty of unintentional plagiarism, they will receive sanctions in the form of a warning, a written warning, and the suspension of some student entitlements. Students who are found to have committed intentional plagiarism will face sanctions in the form of revocation of grades, honorable dismissal from their student status, dishonorable dismissal from their student status, and revocation of their diploma.

Meanwhile, if done intentionally and repeatedly, the sanctions received are letters and h in Article 12 paragraph 2, namely in the form of revocation of the right to be proposed as a professor, honorable dismissal from the status of lecturer, dishonorable dismissal from the status of lecturer, and cancellation of the diploma. Sanctions for plagiarism are not regulated by a single regulation; various regulations establish sanctions for plagiarism. Laws such as Copyright Law No. 28 of 2014, Plagiarism Prevention Law No. 17 of 2010, and National Education System Law No. 20 of 2003 prohibit plagiarism, both directly and indirectly.²¹ Plagiarism generally occurs in all aspects of work, both scientific and non-scientific, academic and non-academic. It is not limited to the university environment but also occurs outside of it.²²

In this case, for plagiarism occurring within universities, whether by students or lecturers, the government, through Ministerial Regulation No. 17 of 2010, explains that sanctions range from the lowest level of a warning to the highest level of revocation of a diploma. However, this is further clarified in Article 13, paragraphs 1 and 2, which state that Article 12, paragraph 1, letters a, b, and c apply to students who commit unintentional plagiarism. Meanwhile, Article 12, paragraph 1, letters d, e, f, and g apply to those who commit intentional and repeated plagiarism.

²⁰ Muhammad Azrul Amirullah, "Sanksi Plagiator Dalam Hukum Islam Dan Hukum Positif," *Central Publisher* 3, no. 2.

²¹ *Undang-Undang Nomor 28 Tahun 2014 Tentang Hak Cipta*. (n.d.).

²² R. Soesilo, *Kitab Undang-Undang Hukum Pidana (KUHP) Serta Komentar-Komentarnya Lengkap Pasal Demi Pasal, Bogor: Politeia, 2013* (n.d.).

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Upon closer inspection, the sanctions contained in the Ministerial Regulation of National Education (Permendiknas) appear lenient and administrative in nature, thus failing to deter plagiarists. However, this is not the case with Law No. 20 of 2003 concerning the National Education System.²⁴ Professional, or vocational degree and is proven to be plagiarized will have their degree revoked. Plagiarists can also be punished with a maximum of two years' imprisonment or a maximum fine of Rp 200,000,000.00 (two hundred million rupiah).

At the same time, it is possible for plagiarists to face sanctions under other laws and regulations. This means that the demands stipulated in the Ministerial Regulation and the National Education System Law are not final sanctions; there are still sanctions derived from other laws and regulations. This is as stated, as the imposition of sanctions as referred to in Article 12 does not eliminate other sanctions as stipulated in laws and regulations.

Therefore, someone who plagiarizes a copyrighted work may face multiple sanctions. A professor or lecturer involved in a case of plagiarism will be dishonorably dismissed and have their diploma revoked, as well as be subject to a two-year prison sentence or a fine of 200,000,000 (two hundred million rupiah).

With regard to copyright infringement, plagiarism cannot be prosecuted directly without prosecution. Therefore, Article 120 of Law Number 28 of 2014 concerning Copyright states that the criminal act referred to in this law is a complaint-based offense. Copyright infringement is a complaint-based offense, so the plagiarist cannot be punished until the injured party reports or files a complaint with the competent authorities.

In relation to sanctions, Copyright Law No. 19 of 2002, Article 72, paragraph 1, states that anyone who intentionally and without the right to commit an act as referred to in Article 2, paragraph (1) or Article 49, paragraphs (1) and (2) shall be punished with imprisonment of at least 1 (one) month and/or a fine of at least Rp. 1,000,000.00 (one million rupiah), or imprisonment of up to 7 (seven) years and/or a fine of up to Rp. 5,000,000,000.00 (five billion rupiah).

According to Article 2, paragraph 1 mentioned above, creators have the exclusive right to publish or expand on their work. Taking someone else's work and claiming it as their own is also considered an act of publishing. In other words, claiming someone else's work indirectly publishes work that is not their right or that was created without rights.

²³ *Pasal 13 Ayat 3, Permendiknas RI No 17 Tahun 2010 Tentang Pencegahan Dan Penanggulangan Plagiat Di Perguruan Tinggi. (n.d.).*

²⁴ *Pasal 70 Undang-Undang No. 20 Tahun 2003 Tentang Sistem Pendidikan Nasional. (n.d.).*

Copyright Law No. 19 of 2002 has now been updated through Copyright Law No. 28 of 2014. As such, the criminal sanctions related to copyright infringement have also changed. Copyright Law No. 28 of 2014 does not explicitly mention plagiarism violations or the sanctions imposed on plagiarists. However, to ensnare plagiarists, it seems that the most appropriate article in this law is Article 112, which states that any person who without authority commits an act as referred to in Article 7 paragraph (3) and/or Article 52 for commercial use shall be punished with a maximum imprisonment of 2 (two) years and/or a maximum fine of Rp. 300,000,000.00 (three hundred million rupiah).

Article 7 paragraph 3, as mentioned above, explains that management information and electronic copyright information owned by the creator may not be removed, altered, or damaged. Among the points in electronic copyright information mentioned above is the name of the creator, whether an alias or pseudonym.²⁵

In cases of plagiarism, one type is known as plagiarism of authorship, where someone claims to be the author of a work written by someone else. This can include claiming credit for a song that is clearly not their own, or replacing the author's name with their own in several scientific works. This is what is meant by changing the creator's name listed in electronic copyright information. According to Copyright Law Number 28 of 2014, if someone changes or substitutes the name of a work without permission or approval, they will be punished with a maximum of two years' imprisonment or a maximum fine of IDR 300,000.00 (three hundred million rupiah).²⁶

To ensure that sanctions imposed on plagiarists are appropriate to their actions, it is necessary to distinguish between plagiarism and copyright infringement. This difference includes the fact that plagiarism can include the taking of ideas, while copyright infringement focuses on the taking of Upon closer inspection, the sanctions contained in the Ministerial Regulation of National Education (Permendiknas) appear lenient and administrative in nature, thus failing to deter plagiarists. However, this is not the case with Law No. 20 of 2003 concerning the National Education System. Article 25, paragraph 2 of the law states that university graduates whose scientific work is used to obtain an academic, professional, or vocational degree and is proven to be plagiarized will have their degree revoked. Plagiarists can also be punished with a maximum of two years' imprisonment or a maximum fine of Rp 200,000,000.00 (two hundred million rupiah).

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²⁵ Iva Asma'ul, *Pelanggaran Etika Penulisan Dan Plagiarisme,* " *Jurnal Medical Indonesia,* 61, no. 5 (September 2016).

²⁶ Tim Peneliti Fakultas Ilmu Pendidikan (FIP), "Identifikasi Perilaku Plagiat Pada Skripsi Mahasiswa Fakultas Ilmu Pendidikan (FIP) Universitas Negeri Yogyakarta," n.d.

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Plagiarism Sanctions According to a Islamic Law Perspective

Islamic Sharia was created to maintain human safety, its aim is to protect and realize the benefit of humanity both personally and socially. At the same time, Islam also provides protection for human rights from all forms of persecution, fraud, abuse and deprivation. Protection of these rights is provided in the form of sharia objectives (*Maqashid Al Syariah*), namely preserving property (*Hifdzh Al Mal*), preserving religion (*Hifdzh Al Din*), preserving the soul (*Hifdzh An Nafs*), preserving the mind (*Hifdzh Al Aql*), and preserving offspring (*Hifdzh Al Nasl*). If someone wants to live a happy life both in this world and in the afterlife, they must carry out these five goals of the Shari'ah. Muslims must make every effort to maintain these five main things. On the other hand, anything that could threaten the five important things above is considered a prohibited crime.

Plagiarism, for example, is an example of a forbidden and dishonorable act that must be punished both in this world and the hereafter. This is because plagiarism is a heinous act that is very detrimental to others and can threaten the existence and security of property and lives of society. Therefore, plagiarism is prohibited in Islam. In practice, plagiarism often occurs due to various factors, one of which is ignorance or errors in citing sources. Misciting a source can be understood as the author's desire to acknowledge that the quote they referenced came from another author, but there is an error in citing the source. This differs from the absence of a source, which can be understood as the author's desire to claim the idea or concept as their own.

The two acts above are both plagiarism, but Islamic jurisprudence distinguishes between the two. The first act, namely misciting a source, is considered ghasab (stealing), which is the act of taking possession of another's rights through improper and unjust means. At this level, the perpetrator simply takes possession without acknowledging that the rights (in this case, the rights or work) are not theirs. Ghosab is an act in which someone uses another person's property (in this case, the rights or work) without asking permission, but without taking or owning it. Therefore, ghasab is almost the same as stealing. The theft of ideas, concepts, or rights to a work is prohibited by Islam.

As explained above, plagiarism can fall under the realm of ghasab and can also fall under the realm of theft. Ghasab is considered to be the control of rights or work, sometimes done openly, while theft is considered to be the taking of rights or work with

²⁷ Pasal 183 Undang-Undang No. 8 Tahun 1981 Tentang Hukum Acara Pidana. (n.d.).

the intention of owning them. These two acts have different legal consequences. Because ghasab is not included in the categories of qisas and hudud, it falls under the scope of ta'zir. Ta'zir itself is understood by Wahbah Al Zuhaili as punishments for which the shari'a does not specify a specific measure. These punishments are imposed with the aim of educating and deterring perpetrators of crimes or sins for which the law has not been determined by sharia. In this case, ta'zir is applied to perpetrators who commit violations that do not fall under the scope of qisas or hudud.²⁸

Crimes categorized or discussed under ta'zir are minor offenses, such as sexual acts that do not constitute adultery, accusations of crimes other than adultery, gargling with alcohol, theft of an amount less than the nisab (the threshold of religious freedom), and others. Ta'zir punishments vary. These include a stern verbal reprimand, imprisonment, lashing (light corporal punishment) (not exceeding the lashing in hadd law), parade, expulsion, and others. According to the Maliki school of thought, in certain cases, violations may also be subject to monetary fines.

These ta'zir punishments are the responsibility of local authorities. In deciding the type and extent of ta'zir sanctions, in addition to the texts, the community's condition, educational level, and other circumstances must be taken into account. Furthermore, ta'zir differs from hadd in several respects: Ta'zir is less lenient for respected individuals, while it is the same for hadd. Intercession and forgiveness are permissible for ta'zir, while hadd is not. If something is lost due to ta'zir, there is a guarantee of replacement, whereas hadd does not.

Article 13 paragraph 5 of the Minister of National Education Regulation No. 17 of 2010 states that "the imposition of sanctions as referred to in Article 12 (explained above) does not eliminate other sanctions in accordance with the provisions of statutory regulations."²⁹ This means that perpetrators of plagiarism can be charged with more than one law, so that the sanctions they receive can be doubled. In this case, although the two lecturers have received administrative sanctions from the Minister of National Education Regulation No. 17 of 2010 in the form of honorable dismissal from their lecturer status, it is very likely that they will also receive sanctions from Law No. 19 of 2002 concerning Copyright, namely in the form of criminal threats in the form of imprisonment of at least 1 (one) month and/or a fine of at least 1,000,000 (one million) rupiah, or imprisonment of up to 7 (seven) years and/or a fine of up to 5,000,000,000 (five billion) rupiah.³⁰

This sanction applies because the perpetrator violates the basic principle of copyright, namely that what is protected by copyright is the expression of a materialized and original idea that can be seen, read, or heard. A thesis is an idea or thought expressed in a readable work, thus receiving legal protection. Furthermore, a thesis is also a written work that falls under intellectual property rights (IPR), thus receiving legal recognition

²⁸ *Fatwa No. 1 Dan 4 Komisi Fatwa MUI No. 1 Tahun 2003 Tentang Hak Cipta.* (n.d.).

²⁹ *Peraturan Menteri Pendidikan Nasional Nomor 17 Tahun 2010 Tentang Pencegahan Dan Penanggulangan Plagiat Di Perguruan Tinggi.* (n.d.).

³⁰ *Http://Regional.Kompas.Com/Read/2013/05/15/22280581/Buku.Karya.Doktor.Unpad.Diduga,* n.d.

and protection. In Islam, such acts of violating the rights of others are completely unacceptable. The Prophet Muhammad (peace be upon him) even explained:

*"Know that no one is lawful to share any of his brother's property except with his own consent."*³¹

The various explanations and opinions of scholars above indicate that scholars agree that plagiarism is prohibited according to Islamic law because it is considered dishonest in conveying the truth that belongs to others. Islam itself upholds honesty, especially when it relates to knowledge. Thus, the prohibition or prohibition of plagiarism as understood by the scholars is not only because plagiarism violates the norms of honesty, but also because it contradicts the objectives of sharia (Maqashid Al Syariah) in protecting the wealth of a Muslim.

Conclusion

Based on the research results outlined by the author in the discussion chapter, in accordance with the problem formulation, several conclusions can be drawn, as follows: Plagiarism is the act of copying, copying, or appropriating the ideas, concepts, and work of others without proper acknowledgement of the original owner. Under Indonesian law, plagiarism is a serious violation regulated by various laws and regulations, such as Law No. 28 of 2014 concerning Copyright, Law No. 20 of 2003 concerning the National Education System, and Regulation of the Minister of National Education No. 17 of 2010 concerning the Prevention and Management of Plagiarism in Higher Education. Regulation of the Minister of National Education No. 17 of 2010, which is administrative in nature, is a frequently used reference in the context of plagiarism. The administrative sanctions listed include reprimands, written warnings, suspension of privileges, cancellation of grades, honorable dismissal, dishonorable dismissal, and, most seriously, cancellation of a diploma. Administrative, academic, and criminal sanctions can be imposed, depending on the severity of the offense and the impact.

From an Islamic legal perspective, plagiarism falls under the categories of ghasab (unlawful appropriation of another's rights), fraud (tadlis), and a violation of the principles of honesty and justice. Islam views plagiarism as theft, lying, or deception, and an act that can harm others, thus contradicting Islamic law. Plagiarism is considered a violation of copyright and a form of injustice. Islamic punishment is based on ta'zir (restrictive punishment), which can include a warning, a fine, or other punishment determined by the authorities to deter the perpetrator.

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³¹ Isnaini, "Pendeteksi Plagiarisme Dokumen Akademik Mahasiswa Di Jurusan Teknik Elektro Fakultas Teknik Universitas Negeri Malang," 2011.

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