

Intellectual Property in Academic Research: Addressing Unauthorized Use of Scientific Works in Makassar

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Abstrak: Penelitian ini bertujuan untuk mengetahui dan menganalisis perlindungan hukum terhadap penggunaan karya ilmiah yang dilindungi hak cipta serta mengkaji akibat hukum dan faktor-faktor yang menyebabkan terjadinya pelanggaran hak cipta terhadap karya ilmiah, khususnya di Kota Makassar. Penelitian ini menggunakan metode penelitian hukum normatif empiris dengan pendekatan lapangan yang memadukan kajian terhadap bahan hukum dengan fakta yang terjadi di masyarakat. Data yang digunakan terdiri atas data primer yang diperoleh melalui wawancara dengan pihak terkait pada instansi pemerintah dan lingkungan akademik, serta data sekunder yang diperoleh melalui studi kepustakaan terhadap berbagai literatur dan bahan hukum yang relevan. Pembaharuan penelitian ini terletak pada upaya mengkaji secara terpadu antara aspek perlindungan hukum, praktik penggunaan karya ilmiah di lingkungan akademik, serta faktor sosial dan teknologi yang mempengaruhi terjadinya pelanggaran hak cipta. Hasil penelitian ini menunjukkan bahwa perlindungan terhadap karya ilmiah tidak hanya bersifat normatif, tetapi juga mencakup perlindungan administratif dan etik yang berkembang dalam praktik akademik. Berbagai bentuk pelanggaran dapat terjadi, seperti plagiarisme, penggunaan karya tanpa mencantumkan sumber, pengandaan karya tanpa izin, serta perubahan terhadap karya tanpa persetujuan pencipta. Kondisi tersebut dipengaruhi oleh rendahnya kesadaran hukum, terbatasnya pemanfaatan mekanisme perlindungan hak cipta, perkembangan teknologi digital, serta kurangnya pemahaman mengenai etika akademik. Kesimpulan penelitian ini menunjukkan bahwa perlindungan terhadap karya ilmiah masih menghadapi berbagai tantangan, terutama dalam aspek kesadaran hukum dan implementasi perlindungan di lingkungan akademik. Penelitian ini memberikan rekomendasi agar dilakukan peningkatan sosialisasi, edukasi, dan penguatan penegakan hukum guna mendorong terciptanya budaya akademik yang menghargai hak cipta dan integritas ilmiah.

Kata Kunci: Perlindungan Hukum; Karya Ilmiah; Hak Cipta.

Abstract: This study aims to determine and analyze legal protection for the use of copyrighted scientific works and examine the legal consequences and factors that cause copyright infringement of scientific works, particularly in Makassar City. This study uses an empirical normative legal research method with a field approach that combines the study of legal materials with facts that occur in society. The data used consists of primary data obtained through interviews with relevant parties in government agencies and academic environments, as well as secondary data obtained through library studies of various relevant literature and legal materials. The renewal of this study lies in the effort to examine in an integrated manner between aspects of legal protection, the practice of using scientific works in academic environments, and social and technological factors that influence the occurrence of copyright infringement. The results of this study indicate that protection of scientific works is not only normative, but also includes administrative and ethical protection that develops in academic practice. Various forms

of violations can occur, such as plagiarism, use of works without citing sources, duplication of works without permission, and changes to works without the creator's consent. This condition is influenced by low legal awareness, limited utilization of copyright protection mechanisms, the development of digital technology, and a lack of understanding of academic ethics. The conclusion of this study indicates that the protection of scientific works still faces various challenges, particularly in terms of legal awareness and implementation of protection in the academic environment. This study recommends increasing outreach, education, and strengthening law enforcement to encourage the creation of an academic culture that respects copyright and scientific integrity.

Keywords: *Legal Protection; Scientific Work; Copyright.*

INTRODUCTION

The development of a knowledge-based society has made scientific works one of the forms of intellectual output that play an important role in the advancement of science, education, and academic life.[1] Scientific works not only function as a means of disseminating ideas and scientific findings but also carry legal, moral, and economic value for their creators.[2] Therefore, the existence of a legal protection system for scientific works becomes very important to ensure that every intellectual output realized in written form receives recognition and protection from potential misuse by others. In the context of intellectual property rights, scientific works are included in the category of creations that are protected because they are the result of human intellectual creativity and possess originality.[3] However, the development of information technology and the ease of access to various sources of knowledge through digital media also bring the consequence of an increased potential for the misuse of scientific works, such as plagiarism, unauthorized duplication of works, or using works without properly citing the sources. This situation indicates that legal protection for scientific works is not only related to the existence of legal regulations but also to public legal awareness in respecting the intellectual creations of others.[4]

Previous studies generally discuss copyright protection from a normative perspective, focusing on the applicable legal regulations and the types of violations that occur in practice.[5] These studies indicate that the legal protection system for intellectual works is, in principle, already regulated quite comprehensively within the framework of national law. However, some studies still place greater emphasis on general legal regulations and have not extensively examined how legal protection is applied to the use of scientific works in academic practice, nor the factors that lead to copyright violations of scientific works within the academic community.[6] On the other hand, the development of digital technology, which enables the rapid and wide dissemination of scientific works, poses new challenges in safeguarding the moral and economic rights of creators. This indicates a gap between the existing legal regulations and the reality of how scientific works are used in academic practice.[7]

Based on the background described above, the research problem in this study is formulated as follows : 1. How is legal protection applied to the use of scientific works that are protected by copyright? 2. What are the legal consequences for parties who use scientific works without permission, and what factors contribute to copyright violations?. This study is expected to provide a more comprehensive understanding of how the legal protection mechanism for scientific works operates in practice, while also identifying the various factors that influence copyright violations within the academic environment. Thus, this research offers novelty by bridging the normative aspects of copyright protection with the practical realities of using scientific works, particularly in the context of the academic community. It is hoped that the study will contribute to strengthening legal protection for scientific works and enhancing legal awareness in respecting intellectual creations.

RESEARCH METHOD

This study employs a normative-empirical legal research approach, which examines the applicable legal norms while also observing their implementation in societal practice. This approach combines a literature review of various legal sources with field research to obtain a real picture of the enforcement of copyright protection for scientific works. The research was conducted in Makassar City, South Sulawesi Province, with the main site at the Regional Office of the Ministry of Law and Human Rights of South Sulawesi Province, one of the institutions involved in managing and protecting intellectual property rights. The study population concerns scientific writings that face issues related to alleged plagiarism or unauthorized use. The sample was determined using purposive sampling by selecting several informants considered knowledgeable and relevant to the research topic, including Ministry of Law employees, law faculty lecturers, students, and scientific journal managers.

The data used in this study consist of primary data obtained through direct interviews with informants, secondary data collected through a literature review of books, journals, and relevant legal materials, and tertiary data from other supporting sources. Data collection techniques were carried out through interviews and literature research to obtain comprehensive information regarding the research objects. Subsequently, the collected data were analyzed qualitatively and presented descriptively through a systematic narrative, providing a clear overview of the issues under study and producing conclusions that are relevant to the research objectives.

RESULT AND DISCUSSION

1. Legal Protection for the Use of Scientific Works Protected by Copyright

Legal protection for scientific works is an important part of the Intellectual Property Rights regime, aimed at providing recognition and safeguarding the results of human intellectual thought. In the development of a modern knowledge-based society, scientific works not only function as a means of disseminating knowledge but also carry academic, legal, and even

economic value for their creators.[8] Therefore, the existence of a legal protection system for scientific works is crucial to ensure that every individual who produces intellectual work receives proper recognition and is safeguarded against various forms of misuse by others.[9]

Conceptually, legal protection is a form of state effort to guarantee the rights of citizens against possible violations by others. According to Philipus M. Hadjon, legal protection can be understood as a mechanism provided by the state to safeguard an individual's legal interests through a system of rules and authorized institutions.[10] Thus, legal protection for scientific works is intended not only to safeguard the personal interests of the creator but also to establish legal certainty and encourage the development of intellectual creativity within the academic community.[11]

In the Indonesian legal system, protection of scientific works is juridically regulated under Law Number 28 of 2014 concerning Copyright, which serves as the primary legal basis for the national copyright protection regime. This law provides protection for various types of creations in the fields of science, art, and literature, including scientific writings such as books, journal articles, theses, dissertations, and other forms of academic works.[11] Such protection grants the creator exclusive rights to publish, reproduce, and authorize others to use their creation. If a scientific work is used without permission from the creator or copyright holder, such an action can be categorized as a copyright infringement.[12]

One important characteristic of copyright protection is the declarative principle, which means that legal protection arises automatically as soon as a work is realized in a tangible form. Thus, the creator of a scientific work does not need to register it first to obtain legal protection for their creation. From the moment the work is expressed in writing, the creator automatically acquires exclusive rights over it. This principle demonstrates that the law directly recognizes an individual's intellectual creativity as part of intangible property rights.[13]

Protection of scientific works within the copyright system encompasses two main types of rights: moral rights and economic rights. Moral rights are rights that permanently attach to the creator, allowing them to be recognized as the owner of the work and to preserve the integrity of the creation from alterations that could harm their reputation. Meanwhile, economic rights grant the creator the authority to obtain economic benefits from the use of the work, for example, through reproduction, distribution, or publication of the scientific work. Both types of rights constitute legal protection aimed at ensuring that the creator receives recognition as well as benefits from the results of their intellectual efforts.[14]

In addition to normative protection through legislation, protection of scientific works can also be observed through administrative mechanisms. In practice, creators can register their copyright as a means of strengthening legal evidence of ownership. Although registration is

not a requirement for the existence of copyright, having a registration certificate can serve as important evidence in the event of a dispute or infringement of the work. With copyright registration, the creator has a stronger legal basis to take action against parties who violate their work.[15]

In addition to normative and administrative protection, scientific works are also safeguarded through the application of academic ethics within higher education. In academic practice, the use of scientific works requires clear citation of sources as a form of respect for the creator's moral rights. Universities, research institutions, and scientific journal managers generally have specific policies to maintain academic integrity and prevent plagiarism in scientific publications. These policies demonstrate that protection of scientific works is not only carried out through formal legal mechanisms but also through an academic culture that upholds scientific honesty and research integrity.[16]

The research findings also indicate that, in practice, cases of copyright infringement involving scientific works in Makassar City are not frequently documented formally. However, this condition does not necessarily mean that violations never occur. The low number of cases is often due to limited public awareness of their legal rights and the willingness to pursue them through available legal mechanisms. This demonstrates that the effectiveness of legal protection for scientific works depends not only on the existence of legislation but is also strongly influenced by the level of legal awareness within the academic community in respecting intellectual creations.[17]

Based on the above discussion, it can be understood that legal protection for the use of scientific works essentially takes three main forms: normative protection through legislation, administrative protection through copyright registration mechanisms, and ethical protection through the application of academic integrity in higher education. These three forms of protection complement each other in creating a comprehensive system for safeguarding scientific works. With such a protection system in place, it is expected that an academic environment will be fostered that values intellectual creativity and encourages the sustainable development of knowledge.[18]

2. Legal Consequences for Parties Who Use Scientific Works Without Permission and the Factors Causing Copyright Violations

The use of scientific works without the creator's permission is a form of copyright infringement that can give rise to various legal consequences. Within the Intellectual Property Rights legal system, scientific works are classified as creations that are protected because they are the result of intellectual thought expressed in written form. Protection of scientific works is intended not only to give recognition to the creator but also to maintain scientific integrity and prevent misuse of the work by others.[19]

Juridically, the use of scientific works without permission can be categorized as copyright infringement if it is carried out without the consent of the creator or copyright holder. Such violations can take various forms, including plagiarism, using a work without citing the source, reproducing a work without authorization, or making alterations to a scientific work that could harm the creator's reputation. In the context of copyright law, these actions are considered violations of both the moral and economic rights inherent to the creator.[20]

Moral rights are rights that permanently attach to the creator, allowing them to be recognized as the owner of the work and to preserve the integrity of the creation from alterations that could harm their honor or reputation. Therefore, using a scientific work without crediting the creator can be considered a violation of moral rights. Meanwhile, reproducing or distributing a scientific work without permission can be categorized as a violation of economic rights, since another party benefits from the work without providing compensation to the creator.[21]

The legal consequences arising from copyright infringement of scientific works can essentially be divided into three types: civil, criminal, and administrative. In civil law, the creator or copyright holder has the right to file a lawsuit to claim compensation from the party committing the infringement. Such a lawsuit can be pursued through the court system as a form of protection for the creator's economic and moral rights. In criminal law, copyright violators can be subjected to penalties such as imprisonment or fines in accordance with the applicable legal provisions under Indonesia's copyright protection regime.[22]

In addition to formal legal consequences, violations of scientific works can also result in administrative sanctions within the academic environment. In higher education practice, plagiarism is considered a serious breach of the principle of academic integrity. Therefore, perpetrators of plagiarism may face various academic sanctions, such as the cancellation of scientific works, withdrawal of publications, or disciplinary action by the university. These sanctions are imposed as a means of enforcing academic ethics and maintaining quality and honesty in scientific research activities.[23]

Although the legal system normatively provides various mechanisms for protecting scientific works, in practice, copyright violations can still occur. These are influenced by several interrelated factors, including legal, social, and technological aspects. Based on research conducted through interviews with several informants who are competent in the fields of intellectual property law and academia, several main factors contribute to copyright violations of scientific works.[24]

The first factor is the low level of legal awareness in respecting the moral rights of creators. In many cases, violations of scientific works occur because someone uses another person's writing or ideas without giving proper credit to the creator. This lack of legal awareness

causes some members of the academic community to regard the use of others' work without citation as not particularly serious, even though such actions constitute a form of copyright infringement.[25]

The second factor is the limited use of copyright registration mechanisms by creators of scientific works. Although copyright protection essentially arises automatically once a work is expressed in a tangible form, copyright registration can serve as an administrative evidentiary tool that strengthens the creator's legal position in the event of a dispute. However, in practice, many creators of scientific works have not utilized this mechanism, resulting in suboptimal legal protection for the works they produce.[26]

The third factor relates to the reliance of law enforcement processes on reports from copyright holders. In many cases of copyright infringement, law enforcement authorities can only take action if a report or complaint is filed by the aggrieved party. This situation results in many violation cases not being legally processed because the creator either does not report the incident or is unaware that their work has been used without permission.[27]

The fourth factor is the rapid development of digital technology. Information technology provides the public with easy access to, as well as the ability to reproduce and disseminate, various scientific works quickly via the internet. While this technological development offers significant benefits for the dissemination of knowledge, it also increases the risk of copyright violations, as scientific works can be easily copied and distributed without the creator's consent.[28]

The final factor is the lack of understanding of academic ethics in the process of writing scientific works. In academia, ethical writing requires honesty in using sources, transparency in citation, and respect for the intellectual creations of others. However, in practice, some students and authors of scientific works still have a limited understanding of academic ethical standards, which increases the potential for plagiarism, whether intentional or unintentional.[29]

Based on the above discussion, it can be understood that copyright violations of scientific works not only result in legal consequences for the perpetrators but can also undermine academic integrity and diminish the quality of research in the educational sphere. Therefore, efforts to prevent copyright infringement require not only strict law enforcement but also increased legal awareness, strengthened education on academic ethics, and the use of technology to detect and prevent plagiarism in academic activities.[4]

CONCLUSION

The conclusions of this study indicate that legal protection for the use of scientific works protected by copyright is fundamentally available through various complementary mechanisms: normative protection through legislation, administrative protection through copyright registration, and ethical protection through the application of academic integrity in educational and research settings. This protection system recognizes the moral and economic rights of creators as a form of acknowledgment for the intellectual contributions embodied in scientific works.

However, in practice, the use of scientific works without permission still occurs and gives rise to legal consequences for the perpetrators, including civil liability, criminal sanctions, and administrative sanctions within the academic environment. Such violations are influenced by several key factors, including low legal awareness in respecting intellectual creations, limited use of copyright registration mechanisms, the reliance of law enforcement on reports from aggrieved parties, the rapid development of digital technology that facilitates the dissemination of works, and insufficient understanding of academic ethics in writing scientific works.

Therefore, sustained efforts are required to strengthen the protection of scientific works through increasing legal awareness among the academic community, reinforcing the application of ethical writing standards, and optimizing the role of relevant institutions in providing education and safeguarding creators' rights. Such measures aim to foster an academic environment that values intellectual creativity and supports the sustainable development of knowledge.

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