



Criminal Law Perspectives on Final Project Making Services in Higher Education

M Panji Agung S^{1*}

¹*Indonesian Operations Research Association, Bandung, Indonesia*

**Corresponding author email: mochpanji.as@gmail.com*

Abstract

The increasing prevalence of students using third-party services to complete their final assignments in higher education not only threatens the integrity of academic institutions but also raises serious legal concerns. This issue undermines the credibility of degrees and qualifications, creating potential long-term impacts on the workforce and society. The practice often involves fraudulent activities, such as falsification of academic documents and the violation of copyright laws, which can lead to legal consequences for both the service providers and the students. Despite the existence of laws in Indonesia aimed at addressing academic dishonesty, there are significant gaps in enforcement, creating challenges in prosecuting these offenses effectively. The lack of stringent legal frameworks and oversight has allowed this practice to thrive, further complicating efforts to maintain academic standards. This study aims to contribute to the discourse by addressing these regulatory shortcomings and proposing stronger legal policies. By fostering collaboration between educational institutions, law enforcement agencies, and the government, this research seeks to advance efforts to safeguard academic integrity and ensure that higher education maintains its role as a pillar of knowledge and ethical development in society.

Keywords: Criminal law, final project services, academic integrity, higher education, fraud, document forgery.

1. Introduction

The phenomenon of final assignment writing services among students is increasingly common in various universities. This practice has emerged as a quick solution for students who have difficulty completing their final assignments, either due to a lack of understanding of the material, time pressure, or low motivation. In the digital era, these service providers are increasingly easily accessible through online platforms, social media, and websites that offer these services with various promises of convenience and satisfactory results (Rasuli et al., 2022). Although it seems like an instant solution, this practice has various negative implications that impact the quality of education and the credibility of college graduates.

The negative impact of this final assignment writing service practice is not only felt by students who use these services, but also by educational institutions and the wider community. Students who use these services risk losing the opportunity to hone their academic abilities, critical thinking, and research skills that should be obtained through the final assignment writing process. This causes a degradation in the quality of graduates who are not ready to face challenges in the world of work. Furthermore, this practice also harms academic integrity, damages the reputation of universities, and can reduce public trust in the higher education system (Lancaster and Dent, 2023).

In a legal context, the practice of final assignment writing services can be seen as a serious violation of the academic code of ethics and applicable legal norms. This service involves academic dishonesty which is basically an act of fraud, because students who use the service claim other people's work as their own. From a criminal law perspective, this action has the potential to involve violations of the law such as fraud, document forgery, and violation of intellectual property rights (Svirina and Anand, 2022). This is an important concern, considering its impact on the integrity of education and the potential for violations of the law that occur.

The importance of this study lies in the effort to examine the criminal law aspects related to the practice of student final assignment writing services. This literature study aims to explore a deeper understanding of the forms of legal violations that may occur, relevant laws and regulations, and their legal implications for service providers and service users. This study also seeks to explore how current regulations are able to overcome this problem and whether there is a need for tightening the law in the future (Chen and Liu, 2024).

So far, handling of the practice of final assignment writing services has been carried out more through academic sanctions from universities, such as cancellation of graduation or revocation of degrees. However, the criminal law approach to this problem is still rarely discussed in depth. Therefore, this study is expected to provide a significant contribution in understanding the criminal law dimensions of this service practice, as well as encouraging stricter law enforcement to maintain academic integrity in universities (Dutta, 2023).

In law enforcement, there needs to be synergy between educational institutions, law enforcement officers, and the government to overcome the practice of final assignment writing services. Solid cooperation will enable more effective implementation of criminal law and prevention of this illegal practice early on. Education also plays an important role in educating students about the dangers and legal consequences of using final assignment writing services, so that it can create a more honest and moral academic environment (Beyg Zadeh, 2022)..

Overall, this study is expected to be the basis for the development of stricter legal policies in dealing with the phenomenon of final assignment writing services. This study also aims to increase awareness of students, educators, and the wider community about the importance of maintaining academic integrity and understanding the legal consequences of cheating in the world of education. Thus, this study is not only relevant in an academic context, but also in order to strengthen the legal and ethical system in Indonesia.

2. Literature Review

2.1. Definition of Final Project Making Services

Sivasubramaniam (2016) defines thesis writing service as a practice where individuals or organizations provide academic writing services to students, often involving the writing of essays, theses, or papers without the direct involvement of the student. This practice is known as ghost-writing or contract cheating, where hired writers complete academic assignments for clients in exchange for a fee, and often without any recognition or contribution from the client. In addition, his research also highlights that although there are differences in how these services are perceived, the resulting phenomenon remains the same, namely the provision of written work for another party for academic purposes.

In another study conducted by Folley (2010), an in-depth interview was conducted with a task executor named Dina. Dinan stated that being a task executor provides her with a unique sense of satisfaction. She enjoys helping her friends complete their academic assignments while simultaneously enhancing her understanding of the course material. Through this experience, Dinan has also honed her skills in time management and effectively managing her own academic tasks. However, Dinan faces several challenges as a task executor; the excessive requests for help from her friends often disrupt her study time. She also recognizes the importance of maintaining academic integrity and avoiding plagiarism while providing assistance. Dinan feels the need to balance helping her friends with fulfilling her own academic responsibilities.

The problem begins when students feel incapable of completing their thesis writing assignments. This has led some individuals to take advantage of the opportunity by offering simple typing services or data processing assistance. The rise of thesis writing services in several cities poses a serious challenge for universities. Thesis writing services have become an "alternative" for final-year students who want to complete their theses. The existence of thesis ghostwriting is the result of a combination of the educational culture in Indonesia, which focuses on final grades, the mentality of the students themselves, and the lack of strict regulations to punish thesis ghostwriters in the country (Santosa, 2023).

2.2. Criminal Law Aspects

Kaplin & Lee (2021) argue that the practice of final assignment writing services in universities cannot be categorized as a criminal act of fraud or covered by the Criminal Code (KUHP). This is because the elements of fraud are not met, for which there must be consequences. In addition, one of the principles in criminal law is the principle of legality, which states that a person cannot be punished if there is no law regulating it. Even though the act of making a final assignment is considered reprehensible, criminal sanctions cannot be imposed.

Pringgohadi et al (2023) argues that the Criminal Code does not recognize the term plagiarism, on the contrary, the Copyright Law does not mention it explicitly, but plagiarism is implied in articles 13, 14 and 15 of the Copyright Law which are referred to as exceptions and limitations of copyright, while copyright infringement is formulated separately in a different article. The National Education System Law mentions plagiarism without further explanation, but states that acts of plagiarism can be used as a basis for revoking someone's academic title. Meanwhile, the National Education System Law and the Minister of Education Regulation No. 17 of 2010 concerning Prevention and Handling of Plagiarism in Higher Education have also provided legal protection for creators, writers and researchers in higher education against acts of plagiarism.

In the research of Setiawan et al., (2023) it is stated that, educators can provide reinforcement or socialize in the form of effects that will be obtained if someone violates ethical norms in the academic field. For example, if the final assignment/scientific work is done by plagiarizing one of which may use ChatGPT, then the degree that has been obtained will be revoked and punished with imprisonment for a maximum of two years and/or a maximum fine of 200

million as in Article 25 paragraph 2 of the National Education System Law and Article 70 of the National Education System Law

Lubis (2024), argues that one form of such deviation is the existence of final assignment making services in universities. This practice is often associated with the Criminal Act of Fraud in accordance with Article 378 of the Criminal Code and the Criminal Act of Forgery of Letters in accordance with Article 263 of the Criminal Code. However, although this act is considered morally reprehensible, legally, this act cannot be punished. This is due to the absence of provisions in the laws and regulations that explicitly regulate the actions of final assignment making services in the university environment.

2.3. Academic Code of Ethics

In Singh and Remenyi's study, (2016) stated that universities have the ability to impose various sanctions, ranging from asking students to retake assignments to suspension or expulsion from the institution. However, although universities are in a position to impose such sanctions, the authors observed that these actions are not always carried out effectively or frequently enough. Furthermore, the authors highlighted that the use of ghostwriters should be subject to more severe sanctions, considering that although ghostwriting is not illegal, the act of lying about ownership of a work can be considered serious fraud.

Lines, (2016) argues that to address the problem of plagiarism and the use of ghostwriting services among students, universities need to implement a more educational and preventive approach, including clearly defining plagiarism, discussing academic ethics in the curriculum, and providing a better understanding of the proper use of sources. This is important to reduce the tendency of students to use such services and to improve academic integrity in higher education environments.

In a study conducted by Salehabadi et al., (2022), it is explained that ghostwriting, which involves the use of third-party services to compile scientific papers, is a serious violation of academic ethics norms. This study highlights that the practice of ghostwriting not only damages scientific integrity but can also harm the reputation of educational institutions. The authors emphasize that the use of work produced by ghostwriters as original work by students or academics is a form of fraud that can be subject to legal and administrative sanctions.

Lerman, (2000) argues that misattribution in legal scholarly work, including plagiarism and ghostwriting, creates significant ethical challenges for faculty. He emphasizes that when authors fail to properly attribute the contributions of others, whether from colleagues or research assistants, this not only undermines the integrity of the individual author, but can also reduce public confidence in the quality and presentation of scholarly work. Lerman also emphasizes the importance of clear guidelines regarding the use and attribution of the work of others in academic publications, as well as the need for discussion among faculty to raise awareness of ethical writing practices.

Zheng and Cheng (2021) argue that the practice of ghostwriting among international students is a complex ethical issue, as students are often caught up in the pressure to achieve high academic performance. They note that students, especially those studying in a second language, may feel compelled to hire ghostwriters as a quick solution to completing academic assignments. The authors emphasize that while ghostwriting may produce the desired outcome in the form of better grades, it is ultimately detrimental to the students themselves, as they miss out on opportunities to learn and develop skills necessary for their education.

According to Moeljanto (2008), this practice is contrary to moral values and academic ethics, but the law has not been able to provide an adequate basis for handling such cases effectively. Moeljanto argues that unclear definitions in the law and difficulties in collecting evidence are often the main obstacles. Therefore, Moeljanto emphasizes the importance of the role of educational institutions in forming an academic culture that upholds integrity and develops better prevention mechanisms.

3. Research Methods

This study uses a literature study approach to examine the criminal law aspects of final assignment writing services in higher education. The literature study method was chosen because it allows researchers to collect and analyze various relevant sources, such as laws, regulations, scientific journals, and other literature related to this topic. The data sources used in this study are secondary, including academic journals, reference books, related laws, and scientific articles that discuss legal regulations and cases related to the practice of final assignment writing services.

Data analysis was carried out using descriptive and evaluative analysis methods, in which researchers identified and evaluated various regulations and laws that govern criminal acts related to final assignment writing services. Through this process, the study focuses on identifying criminal elements, understanding the regulatory context, and the applicable legal implications. This approach aims to provide a comprehensive picture of criminal law regulations that can be applied in the context of final assignment writing services, as well as evaluating the effectiveness of the application of existing laws in overcoming this problem in the academic environment.

4. Analysis and Discussion

4.1. Identification of Legal Violations

The practice of student final project making services in universities involves several forms of criminal violations, including fraud, document forgery, and copyright infringement. In the context of fraud, this practice involves presenting academic assignments as if they were the student's original work when, in fact, they are completed by third parties. Document forgery occurs when final projects created by others are falsely claimed as the student's own work, violating academic honesty and legal norms.

Copyright infringement frequently occurs in these practices, as service providers produce works that should be the exclusive intellectual property of the student. This results in the misappropriation of intellectual rights, which contradicts both educational principles and existing criminal laws. Using third-party-produced work without the student's genuine contribution breaches both academic integrity and legal standards.

4.2. Relevant Laws and Regulations

In Indonesia, several laws address the legal aspects related to student final project making services, including Law No. 19 of 2002 on Copyright and the Indonesian Criminal Code (KUHP). Article 263 of the Criminal Code on document forgery can be applied to cases where students falsely claim others' work as their own. Similarly, Article 378 of the Criminal Code on fraud is relevant, although its application is limited as it requires specific elements, such as the existence of a victim suffering from losses.

The Copyright Law provides protection for intellectual works, but its enforcement in the context of final project services faces challenges, especially in proving copyright violations, as service providers often operate in a legal grey area. Meanwhile, internal regulations of educational institutions tend to focus on administrative sanctions without adequately addressing criminal aspects, leaving a gap in law enforcement.

4.3. Legal Implications

Providers of final project making services and their users can face serious legal consequences. Service providers could be prosecuted for fraud and forgery, which are punishable by imprisonment and/or fines. Students who use these services could face administrative sanctions from educational institutions, such as degree revocation, and criminal penalties if found to be involved in illegal activities.

Additionally, the practice of final project services undermines academic integrity and can lead to a loss of public trust in educational institutions. This can damage the reputation of universities and degrade the quality of graduates who are expected to be adequately prepared for the workforce with strong academic skills.

4.4. Regulatory Gaps

There are significant regulatory gaps in addressing the practice of final project making services. Currently, Indonesian regulations do not explicitly stipulate criminal sanctions for such practices, rendering law enforcement ineffective. Many cases cannot be prosecuted because they do not fulfill the elements of a criminal offense as outlined in the Criminal Code, and copyright laws are often improperly applied in this context.

Moreover, the lack of specific regulations governing plagiarism and illegal academic services poses a major challenge in law enforcement efforts. Existing regulations tend to emphasize administrative rather than criminal sanctions, making them insufficient to deter such practices. Therefore, there is a need for more explicit and stringent legal reforms to address final project services as a criminal act and to strengthen cooperation between educational institutions, the government, and law enforcement agencies to uphold academic integrity.

5. Conclusion

While these practices clearly violate academic ethics and potentially infringe upon various laws, including those related to fraud, forgery, and copyright, there are substantial gaps in current regulations that hinder effective prosecution. The lack of explicit legal provisions targeting these services, combined with difficulties in evidence gathering and proving criminal intent, creates a complex landscape for law enforcement.

References

- Beyg Zadeh, S. (2022). Evaluation of Ghostwriting of Academic Texts from the Perspective of Intellectual Property Standards in Iran. *Iranian Journal of Information Management*, 7(2), 115-139.
- Chen, K. H., & Liu, J. C. E. (2024). Overcoming stigma: how academic ghostwriting companies neutralize their services in Chinese and English markets. *Higher Education*, 1-20.

- Dutta, S. (2023). Academic Ghost-Writing in India: Situating the Transformations in the University System. *DIALOGUE: Science, Scientists and Society*, 1-18.
- Folley, D. (2010). The lecture is dead long live the e-lecture. *Electronic Journal of e-learning*, 8(2), 93-100.
- Kaplin, W. A., & Lee, B. A. (2013). *The law of higher education: Student version*. John Wiley & Sons..
- Lancaster, T., & Dent, B. (2023, January). Academic ghost writing and commercial contract cheating provision on a freelancing website. In *Academic integrity: Broadening practices, technologies, and the role of students: Proceedings from the European conference on academic integrity and plagiarism 2021* (pp. 311-325). Cham: Springer International Publishing.
- Lerman, L. G. (2000). Misattribution in legal scholarship: Plagiarism, ghostwriting, and authorship. *S. Tex. L. Rev.*, 42, 467.
- Lines, L. (2016). Ghostwriters guaranteeing grades? The quality of online ghostwriting services available to tertiary students in Australia. *Teaching in Higher Education*, 21(8), 889-914.
- Pringgohadi, K. A., Alvianti, C. A., Prasetyo, M. F. A., & Taalungan, L. F. (2023). Legal protection for creators in copyright infringement through e-commerce. *Indonesian Journal of Law and Islamic Law (IJLIL)*, 5(2), 28-39.
- Rasuli, B., Nabi-Meybodi, M., Mokhtari, H., Nabavi, M., Nazari, M., & Alidousti, S. (2020). Ghostwriting concept: the Study of Academic Miscundot in Iranian Higher Education Context. *Academic Librarianship and Information Research*, 54(4), 13-38.
- Salehabadi, Z., Sani, S. M. S., & Bojnordi, A. J. J. (2022). Recognizing Ghostwriting from Plagiarism: Concept, Types and Legal Approach. *Library & Information Research Journal*, 12(1).
- Santoso, S., Negara, I. H. P., & Pratama, P. Y. S. (2023). University Academic Jockeys and The Law in Islam. *An-Nur International Journal of Islamic Thought*, 1(1), 28-36..
- Singh, S., & Remenyi, D. (2016). Plagiarism and ghostwriting: The rise in academic misconduct. *South African Journal of Science*, 112(5-6), 1-7.
- Sivasubramaniam, S., Kostelidou, K., & Ramachandran, S. (2016). A close encounter with ghost-writers: an initial exploration study on background, strategies and attitudes of independent essay providers. *International Journal for Educational Integrity*, 12(1), 1.
- Svirina, A., & Anand, A. (2022). Dubious or decisive? Digging deeper into the uncharted path of academic ghostwriting. *Journal of Organizational Change Management*, 35(1), 38-58.
- Zheng, S., & Cheng, J. (2015). Academic ghostwriting and international students.