

Plagiarism in Scientific Research Papers

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Abstract:- Even though the idea of plagiarism is very much present in the field of copyrights, given that numerous authors commit copyrights violations against other authors, the law does not include the term “plagiarism”. An original work is the work created by the creators themselves, without imitation of works of other authors. In order for a work to be covered by copyright protection, it does not need complete originality, but it is necessary that the work itself is not an act of plagiarism of already existing works, and that it contains the authors’ imprint that differs them from other works. According to copyrights law, plagiarism is not reflected in the adoption of facts from other authors’ works, but in the adoption of the thing that makes the work itself an intellectual creation. In comparison to plagiarism, in scientific and expert papers, etymological difference is also present, and the majority of members of the legal profession uses the following terms instead of the term “plagiarism”: intellectual theft, inadmissible appropriation of someone else’s intellectual property, adoption of someone else’s intellectual property, appropriation, scientific theft, appropriation of someone else’s intellectual property, consolidation, attributing someone else’s authorship to oneself, etc. The law stipulates suspension of copyrights in various cases, among which is also the case of the “rights of quotation”. When evaluating plagiarism in science, in comparison to copyrights, not only identity of two works is taken into account, that is, between original segments of works, but a work might be seen as plagiarism even because of paraphrasing, appropriation of someone else’s ideas without mentioning the original author.

Keywords:- *Scientific Papers, Plagiarism, References, Quotations.*

I. INTRODUCTION

Plagiarism is a topic that draws a lot of attention. Even in the times of the ancient Rome we can find cases of first accusations of plagiarism, and since those times until today, they are also often a tool used by many within personal, political and other conflicts, given that, accusing someone of plagiarism is equal to intellectual death of the said author.

Throughout the history, many significant authors were accused of plagiarism: Cervantes, Borhes, Kiš, Crnjanski, Proust, Neruda, etc.

New technologies, and especially the emergence of Internet, have provided easy access to scientific papers, and

numerous authors succumbed to it [17]. If we observe plagiarism through the prism of copyrights, it is noticeable that the law does not include the term “plagiarism”, even though it is extremely present in the field of copyrights, within which numerous authors commit violation of other authors’ rights by copying their music, films, photographs, etc.

During the scientific career of many academic lecturers, publishing papers is a key factor. Acquiring scientific, that is, research titles, as well as re-elections for carrying such titles, is based upon quality evaluation of scientific results and quantitative representation of scientific and research results of the said author. The issue of plagiarism, especially in the field of scientific research, provokes controversy, and it is increasingly becoming significant within high education world-wide [22].

There are different forms and degrees of plagiarism that represent inadequate behavior in the field of science and scientific work in general. Lately there has been an increasing number of scientific papers dealing with the notion of "plagiarism", the ethical context of this phenomenon, and the reasons for its emergence. The issue of ethics in science and scientific work is a "dividing line" between acceptable and unacceptable behavior - today often in the form of plagiarism. This unethical form of behavior in scientific work is not only characteristic of a scientific field or field, but is "equally" represented in all segments [2].

In order to achieve the "tangible results" in a quicker and simpler way, which will be published in scientific journals, some researchers ignore ethical principles, integrity, honesty and respect for the intellectual property of their colleagues. The constant pressure on scientific researchers for as many works as necessary to publish through the "Publish or Perish" principle leads to increasing responsibility for authorship, as well as all other acknowledgments that have been obtained and included. Such approaches to scientific research inevitably open the question of plagiarism and its growing phenomenon all over the world [9].

The issue of disclosure of plagiarism in the scientific papers is not easy, however, using modern procedures and tools it is only made easier. Plagiarism disclosure as it exists today does not provide detection of plagiarism in all aspects, therefore some authors in their works suggest new approaches to the appearance of "intelligent plagiarism" using various commercial tools [28].

Adverse trends of so-called "predatory journals" encouraged the emergence of plagiarism through the

principle that scientific results are valued in terms of quantity and not quality. The growth of sophisticated "push-and-button" appliances allows easier preparation of publications while facilitating ready-to-publish data. As a measure of true scientific value (as opposed to a quantitative analysis of results) it can be cited [8].

Numerous researchers and prominent scientific workers are launching various activities and expressing concern about the growing trend of plagiarism in scientific work around the world. Various surveys are conducted with the aim of better understanding this phenomenon at the national level, with the help of bibliometrics as available techniques [24].

II. ORIGINALITY OF AUTHORS' WORK

The law on authors' and familial rights of the Republic of Serbia considers the author to be an individual whose name, pseudonym or a trademark are indicated on copies of a work or are mentioned when the paper is published, until proven otherwise. Contrary to other intellectual property rights that are constituted by administrative procedure before the Intellectual Property Office of the Republic of Serbia, moral and proprietary rights of an author are constituted in the moment of creation of the said author's work. Holders of copyrights and familial rights might deposit copies of their work and subjects of familial rights before the authorized body (Intellectual Property Office, Author's agency of Serbia, etc.) in order to provide proof regarding the temporal priority of the creation of the said authors' work in case of possible legal disputes. The reason for such conduct lays, above all, in the nature of authors' works, given that the issue of evaluating originality of a work is widely-accepted condition for acknowledgement of copyright legal protection. The term "originality" of an authors' work is thus interpreted in various different ways.

In order for an intellectual creation to be considered as an authors' work and thus enjoy legal protection, it is necessary that the said work is original, that it represents an intellectual content, that is, that it is a human creation expressed in certain form. Originality is the basic and the most significant element of an authors' work, thanks to which it enjoys legal protection. Originality of the work does not depend on scientific or artistic value, whose prospective value is given by the scientific or expert public after its presentation [7]. Copyrights legal protection does not cover ideas, procedures, work methods, mathematical concepts, tenets, principles and instructions.

The majority of authors argue that legal protection should be enjoyed only by the unity of the idea and form, that is, its two elements: the idea (*animus*) and its manifestation (*corpus*). When the idea, gains its expressive form through various shapes (from written to stated works, to drama, film and other ideas), it becomes the subject of legal protection. Before gaining its expressive form, the idea grows and develops through drafts, concepts and other shapes, depending on the nature of the authors' work [14].

A work that is the result of the authentic inspiration of an author is considered as an original. Originality and novelty of a work are two extremely close terms that are being determined based upon different criteria – originality is determined based on subjective, and novelty on objective criterion. The difference is significant when it is known that the law asks only for originality, but not novelty of the work in order to protect it. In order for an authors' work to be considered as original, the said work does not need to be genius, or even above average, but that the said work surpasses the framework of routine, every day and common, as well as to carry a personal stamp of its author.

A work is considered as an original if it is the creation entirely of its creator, without mimicking the work of other authors. However, this does not mean that authors' work does not, in any way, mimic already existent work, but their creation, based on such inspiration, must contain changes that carry the personal stamp of the author, and thus even nuances are sometimes enough to make a paper seem original. This is the issue of factual nature, and it is, in every concrete case, evaluated by the competent court in case of a conflict of copyrights [11].

Absolute originality is almost impossible task, and thus, any work is considered as original if it does not contain recognizable elements of other, previously created authors' works. In cases of such works, direct identification of certain original elements appropriated from other concrete authors' works is impossible, since the author sublimed other influences, standards and inspiration into an original personal statement [26].

Originality that defines authors' work should firstly be viewed as a minimal level of necessary individuality, according to which one work is differentiated from already existent works. In order for a work to enjoy legal copyright protection, complete originality is not necessary, but it is necessary that the said work is not a form of plagiarism of existent works and that it includes authors' impression that differs it from other works. Such attitude is based on the fact that "every work is a product of cultural tradition that is accumulated throughout the history, thanks to which every generation continues from the point where the previous one stopped" [27].

According to the Law on Copyrights and Related Rights, rewriting existent authors' works is considered as authors' work in case when one part of rewritten work contains characteristic elements of rewritten (original) work (musical cover, arrangements, adaptations, etc.). The following works are also considered as original works: collections that represent an original intellectual product of the author, given the selection and arrangement of their integral parts (encyclopedias, proceedings, anthologies, selected works, musical collections, collections of photographs, graphic maps, exhibitions, etc.), collections of folk literary and artistic creations, collections of documents, judiciary decisions and similar materials, as well as data bases (that are also considered as collections).

Professor V. Besarović states that, when determining originality of an authors' work, a unique criterion cannot apply to all authors' works, since originality regarding literary works is, first of all, reflected in composition and the manner of expressing the authors' ideas, while when speaking of musical works, originality might be expressed in any element of the said work: melody, harmony or rhythm, while regarding artistic works and applied artworks, personal expression is the condition of originality, and the works that are not "artistically original, but still do not represent a copy of some other work (under the condition that the author of the copy has signed it) can enjoy legal protection" [30].

Comparative law contains different opinions. Based on the attitude that authors' work produces an authors' work, every result of an intellectual work that surpasses the field of direct imitation and mimic, and contains at least minimal originality is original. Within the United States, any work is considered as authors' work if it was not created by conscious mimic of the previously existent work. In Germany, there is a criterion of "creative level" that must be fulfilled in order to provide legal copyrights protection. The condition of "creative level" is determined based on the complete impression left by the given creation in comparison to already existent creations [25].

Individuals that are conscious of the fact that they have violated someone else's copyright or familial rights by relying on accuracy of recorded data, is thus not responsible for compensating the damage caused by the violation of the given right.

Acknowledging authorship within the work (paternity right) is a personal legal authorization of the author, and it represents the condition of objecting to the charge of plagiarism.

Authors' work can be created even by numerous authors (co-authors), and their contribution is determined in accordance with their creative contribution (individuals providing technical assistance throughout the process of creating the said work are not regarded as the authors).

III. PLAGIARISM, RELATION OF COPYRIGHTS AND THE LAW ON SCIENCE

There is a certain difference between copyrights and the law on science in terms of plagiarism, not only regarding definition of the term, but also regarding concept. Copyright does not define the term "plagiarism", but it is indirectly determined in accordance with plagiarism, and the law defines the violation of authorities of the author [13]. According to copyright, plagiarism is not reflected in adopting facts from someone else's authors' work, but in adopting things that make it an intellectual creation [20]. Etymological difference is noticeable, since the majority of legal professionals use the following terms instead of the term "plagiarism": intellectual theft, inadmissible appropriation of someone else's intellectual property, adoption of someone else's intellectual property,

appropriation, scientific theft, appropriation of someone else's intellectual property, consolidation, attributing someone else's authorship to oneself, etc. [31].

The issue of scope of legal copyright protection is the central issue of disputes regarding plagiarism. Copyright asks for proof of copying the manner of expressing the work, and not only initial ideas behind it.

The issue of scope of legal copyright protection regarding authors' works outside the field of scientific works comes down to the following question – what are the elements that are protected and that no one can adopt without the permission of their author? Originality of the work, that is, the level of originality, given that the level of one works' originality is proportional to the level of its legal copyright protection, is presented as the key element. It cannot be influenced by any other criteria determined by qualitative (its esthetic, scientific, expert or any other value) or quantitative (the extensiveness of the work, financial expenditures during its creation, the duration of its creation, etc.) norms [13].

Numerous determinations point to the fact that the term "plagiarism" might be applied only to an artistic text understood as a defense of the right to individuality, since "the term plagiarism cannot refer to a scientific discourse text, since it itself is knowledge, it is completely transferable, and thus inseparable from the system of knowledge itself, it is not "live" and future part of the said system, and it cannot exist within the framework of individuality, since in such case, the metaphor of "kidnapping" of a text cannot be used" [5]. The starting points for such attitudes are numerous, especially in historical circumstances that have shaped copyright throughout centuries.

Even though copyrights emerged in order to spark progress of science and art through provision of monopoly rights to authors in order for them to be financially motivated for further creation, the issue of the scope of legal copyright protection has, throughout history, provoked conflicted attitudes. Thanks to copying, learning through time and space was made possible. Medicine, history, mathematics, astronomy have been preserved during the "dark middle ages" thanks to transcription and copying done by priests, from Resavska school to Scottish priests. Johan Gutenberg's printing press has enabled the spread of information, thanks to which European studies and renaissance blossomed [6]. This extends to present days, since if Steve Jobs (Apple company) did not adopt a few key ideas from the Xerox Research Center, there wouldn't be any Macintosh computers, or user interface, or even computer mice. Moreover, if Bill Gates did not adopt a few key ideas regarding graphic interface and operative system from Apple, Windows operative system would not exist today.

Given that we have already mentioned that every work contains a complete set of non-original elements that

are not especially protected by copyright, they can only be protected as its integral parts within the entire work.

The decision of the Hight Court of the Republic of Serbia (CO.585/92 from October 13, 1992) states that there is a violation of moral copyright even in cases when someone else's authors' work is being used in more than one fourth of the text, but the name and surname of the author of the original work, as well as the origin of the adaptation is not noted [11].

IV. SCIENTIFIC WORKS AND QUOTATION

Scientific research is a thorough, creative activity of creation of new knowledge and critical research [12]. Publishing scientific works and research is the key factor of every member of the scientific community [10].

Throughout the process of writing expert and scientific works arises the need for presenting opinion of other authors regarding a certain topic [29]. Scientific work (article) represents a written and published report on original research results that contributes cognition or understanding certain issue [1]. Scientific works are published in scientific journals of the suitable theme, or are being presented during scientific conferences, in which cases the said work is being published as a part of the proceedings.

In Serbia, reviewers classify papers based on the Act on editing scientific journals of the Ministry of Education, Science and Technological Development, into one of the following categories: original scientific work, previous announcement, review, expert work, paper presented during a scientific conference.

The law stipulates the suspension of copyrights in many different cases, among which is the case regarding the issue of the "quoting rights". Quoting short excerpts of the authors' work is allowed without authorization given by the author, and without paying authors' fee, when the said work is published and the mentioned excerpt is being integrated into another work as an illustration, confirmation or a reference, with clear notion that it is in fact a quote, in accordance with good praxis. In such cases, it is necessary that the quoted author is mentioned in a suitable manner, as well as the title of the quoted work, the time and place of the publishing of the said work, if such information is known. The reason for this kind of suspension of copyrights is the ability to compare, oppose or determine and support the attitudes through quoting other authors, as well as to ensure communication between researchers, avoiding duplication of results, etc. However, the law does not stipulate the length of the excerpt that is allowed to be quoted.

On the other hand, one of the criteria for determining quality of scientific and expert works is determined through the quantity of references, which, among other things, expresses the thoroughness of authors, as well as the depth and scope of their research.

Tomas Mann, who is often called by other authors "the master of the art of quoting", stated that quoting is "a higher level of plagiarism".

Quoting means word-by-word stating the thoughts of an author (in which case the said quote is written between quotation marks), paraphrasing and summarizing. References within expert and scientific works provide bibliographic information (name of the author, the title of the work, publishing year and number of pages from which the quote was taken) in order for other authors to potentially be referred to further research (which eases the process of finding additional information on the given topic), check relevance and reliability of content of the said work. Adequate use of references in articles contributes to the quality of work and prevents plagiarism and attributing merit to the author that does not deserve it.

References might be used in order to provide source of the information (table, diagram, stats, etc.), describe a theory, praxis or model, confirm an argument or offer some personal solution, paraphrase someone else's work, etc. [18].

One of the many definitions of plagiarism states that it is: "*an act of appropriation of the work of another author without permission, and presenting someone else's work as ones' own, without quoting the original author*" [4].

Contemporary reference scientific journals, apart from demanding for compliance with the technical rules of preparing the works they publish (form, the manner of noting references/citation rules), also demand the authors' statement regarding the originality of the manuscript. However, even with those conditions, and even with the help of available program tools for plagiarism checks, the number of plagiarized works is not decreasing.

When evaluating plagiarism in science, unlike copyrights, identity between works is not been searched for, that is, between original segments of work, but the act of plagiarism might be committed even by paraphrasing, appropriating someone else's ideas without noting their author [23]. The right to stating the name is the right of the authors to have their names, pseudonyms or trademarks noted in every work, that is, to be mentioned during every public presentation of the work, with the exception of cases when this praxis is technically impossible or non-expedient. The right of paternity represents the right of authors to be acknowledged for their authorship regarding their work. The author is authorized to oppose everyone who questions their authorship or appropriates the said work.

Plagiarism is regarded as the biggest professional offence within the scientific work, and thus is sanctioned in accordance with university rulebooks that protect academic integrity. Adequate sanctions differ depending on the form of responsibility: from warnings to denial of scientific title, to exclusion of the scientific institution, etc. If it is proven that an individual has, with the use of plagiarism, gained

some illegal proprietary benefit (for example, promotion at work, increase of pay by acquiring higher academic title, etc.), criminal liability can be imposed (criminal act of fraud, Article 208. of the Criminal Law) [23].

Citation is extremely significant, not only for scientific researchers, but also for journals and universities.

Journals are being ranked in accordance with the Impact factor, a qualitative indicator of “quality” of a scientific journal. It is calculated within the period of three years, and thus represents an average of works quoted within the SCI list articles during the period of two years after being published [16].

Moreover, world ranking of universities is being conducted on the basis of methodology that is based on six objective indicators, among which are the following: the number of highly quoted research papers, the number of texts published in renowned scientific journals, the number of texts mentioned within the Science Citation Index - Expanded and Social Sciences Citation Index, etc.

V. SCIENTIFIC PAPER REVIEWS

New technologies, easy access to scientific and expert works, as well as general absence of ethics have influenced that reviewing scientific works gains a new dimension in the light of the increasing number of recognized plagiarisms, counterfeits and invented results [3].

A review represents a critical, objective general note of the scientific or expert work [12]. It is an instrument of social control within the scientific community. The goal of every review is to provide an objective assessment of the work, as well as suggestions for improvement of the said work by pointing out faults, mistakes or omissions. Still, the sea of plagiarism and invented results have sent the review into the first line of the ethical defense of scientific works.

It is believed that the reviewing process of works was introduced for the first time by the Royal Society in Edinburg, that published a proceeding of reviewed works in the field of medicine. Up to the mid-twentieth century, due to technical limits, reviews were “internal” (they were done by physically present experts to whom manuscripts were personally handed). Journals *Science* and *Journal of the American Medical Association* were the first to adopt the praxis of external reviews in 1940, and after the emergence of the photocopy machine in 1959, external reviews became customary praxis [19].

Given that, when evaluating quality of scientific works, their citation is also used, as well as for developing scientific polemics, but also for decreasing the possibility of plagiarism in scientific papers, some journals and online platforms for publishing scientific and expert papers have introduced open reviews “post publication”, that enable constant review of papers even after their publication. Web platform ScienceOpen, in order to motivate reviewers,

enables all members that have the needed level of expertise to be awarded, after conducting a review, with the CrossRef DOI for their report [21].

VI. CONCLUSION

Professor M. Rimmer of the Faculty of Law, National University in Australia, stated in the comment on the court decision regarding the ruling in the case of violation of rights that emerged due to a parody of the famous work of Margaret Michel, “Gone with the wind”, that the following are “the main objectives of copyright law: the promotion of learning, the protection of the public domain, the granting of an exclusive right to the author, and the prevention of private censorship” [15]. All intellectual property rights, including copyrights and familial rights, are in fact based on motivating authors to improve and continue the previous chain of knowledge. Monopoly to proprietary use of their works is given to them in order to promote further creation. This right is always time-bound, in order to have the given intellectual property available to everyone after some period of time.

Within the scientific and expert community, there is a misunderstanding regarding plagiarism due to many reasons, from legal non-determination in the legal copyright matter regarding the term “plagiarism”, to determining in accordance with the scientific (copyrights) and authorship rights, up to arbitrary interpretation by insufficiently educated individuals.

To our opinion, plagiarism is seen in a wrong light in the public. Only politically motivated plagiarism problems are stressed, while the problem is actually far greater. Especially in lower academic levels, papers are being created on the “copy-paste” model, without special interest (with some exceptions) of mentors and institutions that are providing academic knowledge opposing to it.

Given that almost all contemporary works are based on previous, someone else’s knowledge, methods, procedures, styles, compositions, etc., they are in fact compilations that must contain personal stamp of the author with all necessary respect of the right of paternity (noting the author). Legal copyright protection does not refer to original parts of the work, and is thus proportional to the measure of works’ originality ratio. Unoriginal elements, especially the so-called general places, fall outside the legal copyright protection. Not knowing this might lead to arbitrary notice of plagiarism, since certain authors credit themselves also with the authorship over general places in their papers, textbooks, etc. How would it be possible, for example, to write a textbook on Roman Law without relying on the works of previous authors? From where could originate the knowledge of the authors of the twenty-first century regarding glossators, post-glossators or school of elegant jurisprudence, but from the texts of previous authors. Moreover, every textbook on this topic must inevitably contain chapters on Justinian’s codification, status, family, real, inheritance and civil law.

We believe that it is necessary to broaden the check of works for plagiarism, since results of computer programs for plagiarism check might only point out overlaps with other authors' works, and the reviewers and mentors are the ones who should determine whether the given work contains the necessary personal stamp, as well as whether all works of other authors used within the work are noted. We believe that it is necessary that papers are published in electronic forms as much as possible, in order to enable recognizing, through broader availability, plagiarism of works that have passed the revision.

Published Scientific work is a "publicly pronounced word" and as such can be subject to criticism and subject to any kind of verification because it is essentially a search for the truth. When it comes to plagiarism in science, the basic debate has until now been largely guided by the ethical level of deliberation rather than by relevant legislation, such as the Copyright Act. However, "ethics" can be interpreted and meaning different in the perception of different people. That's why all the questions that relate to the legitimacy of one of the points of view, as opposed to looking at one and the same thing of someone else, can always remain debatable.

All that can be sanctions and convictions, which are exclusively based on ethics, in their implementation do not have to be and are usually not acceptable to all. They are most often very complicated and difficult to implement, unless it is precisely and clearly defined by law. That is why the issue and the phenomenon of plagiarism in scientific papers (in every country) should not be left exclusively to the academic community, but should be resolved at a much higher level than the academic and legal, political and social debate and criticism.

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