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PLAGIARISM IN SCIENTIFIC RESEARCH AND PUBLICATIONS

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About the author: The author of this article, Yusupov Jasurbek Melsovich was born on January 28, 1987 in the Khorezm region of the Republic of Uzbekistan. In 2009 he graduated from the Tashkent State Law Institute, and in 2011 he graduated from the magistracy of this educational institution. During his studies at the institute, he was actively engaged in the study of such foreign languages as English and German. After graduating from the university, he began his career as a lawyer in various organizations, and in 2013 he received a license to practice law. While working as a lawyer, at the same time he worked as a teacher at Urgench State University until 2019. Since November 2020 till March 2022, he worked as a teacher at the Department of Civil Law at the Tashkent State University of Law. He is the author of over 10 scientific articles. Currently he is an independent applicant and is working on a dissertation entitled "Civil Forms and Means of Combating Plagiarism".

ABSTRACT	KEYWORDS
Plagiarism, means of fighting against plagiarism, as well as its forms are investigated. Plagiarism refers to negative phenomena, both in all areas of human life, and in the scientific field. Unfortunately, at present, copyright infringement in the form of plagiarism in dissertations, articles, publications, etc. is increasingly common. This fact is mainly associated with the development of the Internet, various means of photocopying, as well as the impunity of plagiarists. Plagiarism, auto-plagiarism and compilation are inevitable consequences of the pursuit of the number of publications. They have their reasons and consequences, which are disclosed in the article. In the conditions of forced stamping by scientists of as many articles as possible, plagiarism has become an inevitable means of creating them for some authors, therefore, the article analyzes the history of its occurrence, clarifies its definition and consequences, presents ways to reduce its volume and combat it.	plagiarism, compilation, auto-plagiarism, causes of ethical violations, consequences of plagiarism, protection of moral rights, copyright.

Jacques Yves Cousteau said: “What is a scientist after all? Scientist is a curious man looking through a keyhole of nature, trying to understand what is happening” [1]. A public phenomenon called "plagiarism" is associated with various branches of law, as well as with violation of ethical rules and standards of scientific activity. Plagiarism undoubtedly refers to negative phenomena, both in science and in other areas of human life. In addition to plagiarism, other negative phenomena are known in science: falsification of factual information in publications, dishonesty of expert reviewers, etc. Plagiarism is not new. For example, about a hundred years ago, Belyatskin S.A. [2] noted that: “... plagiarism will be where the creativity of the individual ends and the mechanical transmission of other people's ideas and alien forms begins, so the plagiarist does not appear before society as the author of a well-known spiritual plan, even if based on the creativity of another, but as a simple transmitter of someone else's ideas, someone else's form under the guise of their own.” Thus, even then, the interpretation of an intellectual product was considered as a derivative work, different from plagiarism. Recently, thanks to the mass media, the word "plagiarism" has become widely known from the professional sphere of criminal law. Inappropriate citation incidents in academia have become scandalous stories. The stereotype of "plagiarism" has appeared in the mass consciousness. Unfortunately, lawyers did not actively investigate such a phenomenon, and this led to the fact that people began to understand the word "plagiarism" as a text in which someone else's text is used as their own. The study of the legal properties of the social phenomenon “violation of copyright for works of science” is relevant and important. As a first approximation, the word "plagiarism" has the meaning of an action that potentially or actually leads to a violation of the law and / or ethical rules.

The word "plagiarism" is in demand only in the Criminal Code of the Republic of Uzbekistan. In accordance with Article 149, attribution of authorship (plagiarism), coercion to co-authorship on objects of intellectual property, as well as disclosure without the consent of the author of information about these objects before their official registration or publication is punished in accordance with the law. There is also a similar provision in the Code of the Republic of Uzbekistan on Administrative Responsibility. If we proceed from the fact that large damage from plagiarism is quite rare in the scientific field, then this article practically does not work. In case of violation of the author's personal non-property rights, their protection is carried out, in particular, by recognizing the right, restoring the situation that existed before the violation of the right, suppressing actions that violate the right or create a threat of violation, compensation for moral damage, publication of the court decision on the violation. The Civil Code of the Republic of Uzbekistan does not use the word “plagiarism”, but instead uses the phrase “violation of the author’s personal moral rights”.

Note that the Civil Code protects the rights of authors to the form of a work. Work ideas are not protected by copyright. However, the theme as a form of the idea of a work may fall under the scope of the Civil Code. Thus, the peculiarity of the results of scientific activity is that not every such result belongs to a scientific work as an object of copyright. This is due to the fact that objectified ideas are the main ones in the results of scientific activity.

It should be noted that there are not enough publications on plagiarism in legal scientific journals. Among them we can mention the publication of Khametov R[3]. Back in 2000, he formulated the task of developing a methodology for detecting plagiarism in scientific dissertations. Khametov R. singled out two points of view on plagiarism of scientific works in the form of attribution by another person of authorship: 1) part or the whole work, 2) at least one idea from the work. Since the Civil Code of the Republic of Uzbekistan does not protect the ideas of works, legal liability can arise only if there is a

fact of complete or partial coincidence of the text in the primary and repeated scientific work. Also in law enforcement practice the phrase "free use" and "illegal borrowing" is used. Excessive and unfair borrowing of scientific material (scientific plagiarism, plagiarism in the scientific field) is a violation of the rules for scientific citation, scientific novelty and the criterion for an independent work. This text does not address obvious cases of scientific plagiarism, when the plagiarist was "caught by the hand." Of interest are borderline cases when the “accusers” themselves are not “clean on hand” or when the dispute between the authors is not for authorship, but for primacy in the promulgation of an idea. The accusation of improper borrowing can be true, erroneous and knowingly false (libel). There is no official quantitative criterion that separates these concepts, so the zone of admissibility for borderline cases is wide enough, and this leads to the fact that doubts should be interpreted in favor of the suspect. Here it is appropriate to give an example of the slander of one scientist to another scientist [4]. In the scientific community, the settling of scores is a fairly common phenomenon, not to mention disputes over primacy. This legal fact shows that in the border areas of scientific knowledge associated with ideas in scientific works, the statement of the "victim" and the so-called expert opinion that does not meet the requirements for expert examinations is not enough, but objective evidence based on scientific methods is needed.

Any scientific product is based on the principle of scientific citation. This principle refers to the principles of scientificity, and the absence of citation or incorrect citation in the world scientific community is considered a violation of scientific ethics. Therefore, the authors of scientific works, one way or another, use parts of the works of colleagues. However, such use should be limited by copyright, which, on the one hand, protects the scientific contribution of the author, and on the other hand, should not hinder the development of science. The balance should be determined by a conventional criterion. If in the works of culture, interpretations (derivative works) are considered as works of authorship, then in science the retelling of someone else's scientific idea in one's own words is assessed as a sophisticated form of borrowing someone else's ideas. In copyright law, the concept of interpreting well-known scientific ideas is not considered copyright infringement.

Unlike copyright, which lacks the concept of the scientific level of a work, in qualification science there is a level of scientific product, for example, a dissertation. It should be noted that the concept of the level of a scientific product is not a legal concept, and therefore decision-makers in controversial situations try to focus on the special knowledge involved in this by experts.

Unfortunately, in many countries the legally significant interaction of such persons and experts is left to chance and is regulated by local legal acts. As a rule, such acts do not rely on the legal doctrine in the field of expert activity and do not provide for the presence of mandatory regulatory and technical documents, in particular, methods for researching a scientific product as an object of expertise. All this leads to voluntarism in making decisions that have legal significance, and the possibility of abuse of power by unscrupulous persons in the scientific field. Postgraduate and doctoral students, whose works are expressed in dissertations, have the greatest publication activity. Therefore, the formal requirements for a qualifying scientific product (dissertation) are as follows: "the dissertation must be written by the author independently, have internal unity, contain new scientific results and provisions put forward for public protection, and testify to the author's personal contribution to science" [5]. Therefore, if the dissertation does not meet the specified requirements, its author may not be awarded or deprived of his academic degree, as unreasonably awarded. The creative (subjective) nature of a scientific product is manifested in the property of its originality or uniqueness. However, the dissertation, in addition to

being of a creative nature, must have an objective character. In addition, it must also have the property of independence (the author's personal contribution to science). If the dissertation does not possess such properties in the aggregate, then it cannot be considered a scientific product [6]. If the author of a scientific product uses someone else's objectified scientific idea without references to another author and source, then such an act will be regarded as a violation of scientific ethics or the norms of legislation on science [7]. In particular: "If borrowed material is used without reference to the author and (or) the source of borrowing, the dissertation is removed from consideration by the dissertation council without the right to re-defend the said dissertation." Here, the material is understood as objectified ideas and / or actual results of scientific activity. A special case is the re-publication of a scientific work by an author under a different title or with minor alterations to increase the number of publications in reports. Such a publication is also not subject to copyright, and the act of the author is regarded as a violation of scientific ethics.

Scientific plagiarism is an element of tort in the scientific field. Such torts include the manipulation of scientific information (wishful thinking), scientific plagiarism, and / or the production of pseudoscientific products. The category of scientific plagiarism can be broken down into categories of obvious scientific plagiarism, self-plagiarism and / or unauthorized use of scientific works for informational or other purposes. In addition, it is possible to single out the category of non-obvious scientific plagiarism (in the border (controversial) area), when the participation of an expert is required to consider a dispute. The category of obvious scientific plagiarism can be broken down into categories: 1) attribution of authorship of elements of someone else's scientific work in the part concerning its form in one's own work, 2) borrowing elements of someone else's scientific work using the rules of scientific citation (indicating the author, title and source of the work), whose share by volume, for example, exceeds 50% of the total volume of his own work, 3) borrowing elements of his scientific work (self-borrowing), the share of which by volume, for example, exceeds 70% of the total volume of his own new work. The most common in the scientific community are illegal acts related to the content of a scientific product, in the form of "translation plagiarism" and / or "retelling in their own words", as well as "advance publication" of a topic (objectified idea) without the rules of scientific citation, expressed by an ingenuous scientist. The prohibition on repetitive plagiarism existed even before the information society, but the emergence of the Internet and modern information technologies significantly expanded the possibilities for plagiarism and drew attention to this violation. This reduction of the significance of the entire variety of forms of scientific communication existing today in world science to only one of their types - to articles, the absolutization of their number as the main indicator of a scientist's success inevitably intensified violations such as plagiarism, compilation and auto-plagiarism, although, of course, this is not the only reason the growing number of these violations of the scientific ethos. Special attention should be paid to the last phenomenon, which abroad is called auto plagiarism, and in our country - multiple (repeated) publications. It differs from plagiarism itself in that here the author repeats the results (texts) of his own previous works under different names and with slightly modified text, sending them to different journals, preferably to those that publish for money and without checking for plagiarism. An inexperienced, novice scientist (and a mature scientist too) will find it useful to list cases when it is necessary to indicate in square brackets not only the name of the work used (article, book, electronic source) and its author, but also the page. These include: - using a fragment of the publication text, enclosed in quotation marks; - the use of someone else's drawing, tables, diagrams, photographs, statistical data in their work. The absence of a page number

when indicating only the title of the work in the above cases of using someone else's result for the anti-plagiarism program is plagiarism. When using Internet resources, it is imperative to indicate not only the name of the original source, but also in square brackets the date of access to this source. Many students do not consider it necessary to do this in their term papers, diploma theses or master's theses, indicating only the title of the work or site, apparently by analogy with a school essay, in which it was enough to name a common source. Unfortunately, this violation is often found even in candidate dissertations. A form of violation of moral norms in science is the practice of multiple (repeated) publications of the same material under different names or with slight changes, which is called "autoplagiarism" abroad. This violation differs from plagiarism in that here the author in his "new publication" repeats the texts of his own previous works. Such authors are most often published in "junk" magazines, which for money without reviewing and checking for plagiarism publish everything that is sent to them. It is unnecessary to write that these "publications" have no scientific value for anyone except for their authors, who, in conditions of low funding for science and higher education, are trying to survive and hope, having defended their thesis, to secure an acceptable position for themselves. This contingent of writers, as a rule, does not differ in special creative abilities, therefore such authors write their works in violation of legal and ethical norms - their articles usually contain plagiarism, false data, and falsification of research results. In an interesting article by V.I. Levin after listing a number of practically feasible activities, such as: “1) conducting regular educational lectures for students, graduate students, young teachers and researchers on the topic“ History, essence and norms of research work ”; 2) the organization in universities of a permanent service for monitoring the publication activities of scientific and pedagogical workers with the aim of promptly detecting existing (and, if possible, early detection of upcoming) plagiarism; 3) strict public punishment of persons caught in plagiarism, "adds:" It's very simple - no costs and no government intervention, Dissernet, etc. are required. We only have to form a normal, effective scientific community”[8].

Given these reasons, the task is not to eradicate this deviation from morality and law - this is practically impossible, but to significantly reduce the scale of this phenomenon in science and higher education by eliminating or reducing the impact of the above factors. After all, the most obvious consequence of plagiarism is the clogging of science with outdated information, articles imitating scientific activity, which complicates the search (even with the help of the Internet) for really new scientific information in their field of study. Plagiarism devalues the role of scientific publications, makes it difficult to search for and find really valuable publications, violates the ethical standards of scientific activity and scientific communication, as well as the legal norms of intellectual property. The current situation with plagiarism dictates the need for more active promotion of scientific ethics in the process of training students, masters and graduate students of all profiles in the courses "Sociology of Science" for students, "Philosophical Problems of Science" for undergraduates and "History and Philosophy of Science" for graduate students.

Plagiarism is considered in the scientific community and in the self-consciousness of science as an absolutely unacceptable sin that automatically deprives a person of the right to be called a scientist. The world of science is constantly shaken by explicit and even ex post facto reports of plagiarism. Recently, one of the most egregious cases has been the case of a leading genetic engineer from South Korea, Hwang Wu Suk, who announced the successful cloning of human stem cells, which raised hopes for the creation of drugs against the still untreatable diseases of Alzheimer's, Parkinson's, and others. This sensational message, established that the data on stem cells were falsified, while

simultaneously recognizing as reliable another of his achievements - cloning (for the first time) of a dog. Hwang Woo Suk was stripped of his professorship, he left the university, his name was excluded from scientific rankings, and his punishment was imprisonment. Attitude towards plagiarism is an indicator of how well a person engaged in science complies with the canon of a scientist and how adequate the atmosphere of the scientific community is. Questions about authorship, about lawful and illegal borrowing, about the culture of references to predecessors and a number of other aspects related to authorship are some of the painful and constantly discussed issues in the scientific community, which indicates both the complexity of this topic and the desire to protect science from infection. The importance of banning plagiarism is also evidenced by the extraordinary acuteness of the issue of priority in the scientific community. There is a well-known dispute between two great mathematicians - Newton and Leibniz - and their followers over the question of which of them was the first to discover differential and integral calculus; the dispute stretched out for almost three centuries, and only in our time (by the middle of the last century) historians of mathematics have come to the conclusion that this discovery was made by everyone independently of each other. In the 17th century, there were mechanisms for fixing a scientific discovery: reports of the results obtained were placed in a safe place sealed in envelopes, communicated in letters to other scientists, and encrypted in anagrams. With the advent of scientific periodicals and systematic scientific forums, the public announcement of the discovery was streamlined, which, however, did not remove the acuteness of the problem and the associated abuses [9].

First of all, it is necessary to specially emphasize the special role and positive significance in improving the quality of scientific attestation within the framework of the state system of training scientific and scientific-pedagogical personnel for the development of mechanisms of public control in the scientific field. In modern conditions of expanding the use of the latest information and communication technologies, the most important form of such public control in the field of certification of scientific and scientific-pedagogical personnel is the conduct of proactive checks of the degree of originality of scientific works using various specialized computer programs (computer programs), including software - hardware systems for checking text electronic documents for borrowings. It should be borne in mind that, despite the fact that such inspections are carried out proactively, that is, privately, in general, the development of such forms of public control has an important general preventive and disciplinary importance and is one of the areas of implementation of civil initiatives, in a broad sense, aimed at protecting public and by their legal nature interests. An important milestone event in this direction, of course, should be recognized by the gradual transition carried out by the educational institutions of higher education themselves to an increasingly widespread verification using specialized computer programs of all student written works. The invaluable role of the subjects of public control, therefore, lies in the fact that, thanks to the verification measures carried out by them, it was possible to move in solving the problem under consideration in the right direction. It is important, on the one hand, not to stop at this achievement, on the other, to ensure that the lawful exercise of public control in this area is not obstructed. Therefore, it is necessary to provide comprehensive support for such proactive public audits as a form of public control, both on the part of the advisory bodies of state power and on the part of organizations in which dissertation research is carried out [10].

Consideration of the issue of the presence or absence of illegal borrowing in the form of plagiarism in the scientific field is carried out exclusively by official expert advice and only based on the results of physical comparison of the corresponding texts of copies of scientific works presented in the form of

their initial publication, carried out by qualified persons specially authorized by the official body in the prescribed manner. It should be borne in mind that at present in the Republic of Uzbekistan there is no criminal and administrative liability for the very fact of plagiarism in a work (without additional criminalizing signs).

Legal liability for plagiarism is established in three cases:

- if the violation of copyright or inventive rights is proved (Article 149 of the Criminal Code of the Republic of Uzbekistan);
- if the violation of copyright or related rights is proven (Article 177 (1) Code of the Republic of Uzbekistan on Administrative Responsibility);
- if the author applies in court for the protection of violated personal non-property rights in civil law (in accordance with the provisions of the Civil Code of the Republic of Uzbekistan - section 4).

At the level of the social matrix, that is, the culture and mentality of a certain country, in the conditions of an industrial or information society, the interest of the authorities and society in science, i.e. in the presence of a social order for a certain type of new knowledge, the problem of plagiarism becomes more important, since it affects the authority of science itself, scientific schools and the country's authorities. Plagiarism at this level is interpreted as theft and fraud, and the fight against it is translated into the plane of morality and law, which entails the moral and legal responsibility of the offender. In this regard, one recalls the hype in the Romanian mass media in 2013-2014, connected with the accusation of plagiarism in the doctoral dissertation of the Prime Minister of Romania V. Pont, a presidential candidate. This stimulated the authorities and the scientific community to develop and adopt a deontological code of researchers following the example of the EU countries [11].

Scientific institutions and universities should have a center for surveillance, security, promotion and development of quality research. Establishment of rules and respect the rules of good practice are the obligations of each research institutions, universities and every individual researchers, regardless of which area of science is being investigated. There are misunderstandings and doubts about the criteria and standards for when and how to declare someone a plagiarist. European and World Association of Science Editors (EASE and WAME), and COPE - Committee on Publishing Ethics working on the precise definition of that institution or that the scientific committee may sanction when someone is proven plagiarism and familiarize the authors with the types of sanctions. The practice is to inform the editors about discovered plagiarism and articles are withdrawn from the database, while the authors are put on the so-called black list. So far this is the only way of preventing plagiarism, because there are no other sanctions [12].

The analysis of this type of violation of professional morality allows us to conclude that the reasons for its existence are many-sided and heterogeneous, since science, being a part of a constantly and rapidly changing postmodern society, reproduces many features of its state. The recognized reasons for the increase in the amount of plagiarism in scientific communications (not only in Uzbekistan) include:

- the emergence of technical means that contribute to the growth of the temptation of plagiarism, the formation of screen thinking
- mass ownership of personal computers, laptops, iPhones, smartphones;
- the lack of sections in computer science courses that introduce users to the ethical and legal norms of using computers and the Internet; - the absence of subjects related to ethics in the system of secondary

and higher education, the absence of teaching ethics itself or a course on the history of ethical doctrines in most schools and universities in Uzbekistan;

- a low level of moral culture in the scientific environment, which, in principle, allows deliberate plagiarism; it is the result of a drop in the general level of morality in society in connection with the transition to a new type of society, where money is the main value;

- the pursuit of the number of published articles as an indicator of the "effectiveness" of an individual scientist and scientific and educational institutions and the strengthening of the role of the administrative and bureaucratic principle in science, higher education and society as a whole;

- the prestige of having academic degrees among people who are not directly involved in science, but who manage different types of scientific and educational activities at different levels.

In conclusion, we note that the concept of scientific plagiarism must be interpreted as:

1) a criminally punishable act of appropriation of authorship, if this act caused major damage to the author or other rightholder (Article 149 of the Criminal Code of the Republic of Uzbekistan);

2) violation of personal non-property rights of the author in the form of unlawful use of a scientific work by unauthorized borrowing, entailing civil liability measures;

3) violation of the legislation on science in the form of deliberate unlawful citation in the part related to dissertations for an academic degree.

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