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Deterring Plagiarism in Algerian Universities: A Focus on the Legal Measures and their Efficacy

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Abstract:

There is no doubt that plagiarism has become a growing ethical dilemma which hits the scientific research world and publishing. Recent studies have shown a considerable concern about the issue to gain a deep insight into the phenomenon, understand its roots and find solutions to prevent or at least minimize its spread. The Algerian legislator has realised that plagiarism is a plague that tarnishes the reputation of Algerian universities worldwide therefore finding the ways to deter it becomes a necessity. In a move to fight against this phenomenon, legal measures have been taken into action. Those measures presented in the ministerial resolution n°933 and 1082 equate plagiarism to criminal and immoral behaviour and set preventive and punitive regulations to ensure integrity in academia. The research in hand aims at investigating the issue of plagiarism from a legal perspective. It sheds light on analysing the legal measures taken by the Algerian authorities to deter plagiarism and assessing their efficacy in reality. The study shows the multidimensionality of the phenomenon therefore it recommends a myriad of approaches to deter it.

Keywords: plagiarism, Algerian universities, legal measures, deterring plagiarism

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1. Introduction:

As the world keeps on developing, the field of scientific research has become a growing industry. Recently, there has been a race among millions of researchers to contribute to scientific research through publishing their works. This race may lead to academic dishonesty which requires strict and planned handling to ensure the credibility and honesty of the scientific research. Plagiarism is the top of these dishonesty issues. It becomes the most dangerous longstanding challenge which grows faster all around the globe. Many scholars related this wild spread to the digital era (Foss & Lathrop, 2000:18-19). In the light of the crazy amount of written content available on the web and the technological advancement, plagiarism becomes one click away. However, literature on the issue stressed the multidimensionality of the phenomenon, as there is no single factor influencing it. Plagiarism can occur for multiple reasons and in different contexts.

The Algerian legislator considered plagiarism in any form and under any circumstances as scientific theft and serious academic misconduct which leads to severe legal consequences. Therefore, the ministerial code n° 1082 enacted on December 27th, 2020 imposed punitive measures against plagiarisers including a ban from publishing. Besides the punitive actions, the ministerial code offered preventive and administrative measures. It called for raising awareness about the phenomenon and its seriousness and enhancing control through the use of detection tools in all Algerian universities and their faculties. This article applies for the literature review by first, defining plagiarism, its forms, and the factors leading to such misconduct. Second, by focusing on the reality of plagiarism in Algerian universities, the legal measures which were taken into action and their effectiveness to deter plagiarism.

2. The Research Problematic

Plagiarism is not a recent fact, but because of the huge proliferation of internet resources such a phenomenon has expanded all over the world taking very alarming proportions. Things have become so much simple and effortless for learners

to copy and paste not only phrases, sentences, paragraphs, or essays but also full articles and dissertations. Some learners, today, refuse to be creative and to write for their own. They have become so indolent persons and embarked immediately on this dishonest and unethical behaviour. Consequently, learners' articles and dissertations are often described as being inadequately referenced or totally the work of someone else. Those plagiaristic behaviours have undoubtedly affected the reputation of the Algerian universities and their international rank. The present research is, thus, an attempt to provide an overview on plagiarism to raise students' awareness about the issue, and to analyse the legal measures taken by the Algerian authorities and their efficacy to deter plagiarism. To set up the research and on the light of the previously mentioned problematic, the following research questions are asked:

1. Are there any legal measures taken by the Ministry of higher education to ensure integrity and deter plagiarism at universities?
2. Has the Algerian decision maker done enough to put an end to this dishonest practice?

The article is considered as an informative rather than analytical contribution to the matter under investigation. Therefore, it is hypothesized that:

1. There will be a set of punitive regulations presented in the ministerial resolution n° 1083 to ensure integrity and deter plagiarism in higher education
2. The Algerian decision maker might not have done enough to eradicate this fraudulent practice from the Algerian academic scene.

3. Research Methodology

The present research intends to examine the question of plagiarism from a lawful standpoint. It highlights and analyzes the legal actions taken by the Algerian decision makers to put off plagiarism and assess their efficacy in reality. Accordingly, and as far as the research methodology is concerned, the present work is a review article aiming at summarizing the existing literature and perspectives on the subject matter under

investigation. Moreover, the present article is an attempt to give details about the current status of understanding of such a solemn topic of plagiarism. Therefore, the article is a systematic review looking for answers and solutions to rigorous problem situation about the extravagant expansion of plagiarism among Algerian learners. Data collection relied on reviewing the already published literature about the subject under investigation and analysing the ministerial resolution n° 1082 enacted in 2020.

4. Emergence and Origins of Plagiarism

Plagiarism can be considered for many as a temporary phenomenon that appears along with the digital world development. However, plagiarism has existed since the dawn of the written language. Historically, the term was first used by a Roman poet called Martial (40 AD- 104 AD) (McLemee, 2004). But its introduction as a copyright and authorship infringement went back to the Enlightenment Era during the 17/18 C. Though it is a broad phenomenon which affects all fields, its emergence was mainly tied to literacy publishing, art and music (Pecorari, 2014:03).

Plagiarism is derived from the Latin word "plagiarius" etymologically linked to "kidnapper" and the Latin verb "plagiur" which means "to kidnap". *The term is related to the act of kidnapping a child or a freeman and selling them as slaves*". Bernhart (1988:801). From its first use, the concept carried out a criminal act in its sense which often refers to stealing others "offspring" (Angelil Carter, 2000: 16-17). The English playwright Ben Johnson was the first to introduce the term "Plagiary" during the nineteenth in a work called "Committing a literacy theft". In 1755, plagiarism appeared in dictionaries to mean copyrights infringement; however, the concept of "plagiarism" has been changed through time to carry different meanings. Nowadays, plagiarism is no longer defined as kidnapping or a violation act therefore other explanations which take into account the context in which plagiarism occurs are introduced.

5. Definition of Plagiarism

In academia, Defining plagiarism has never been precise or absolute. Plagiarism definitions "shifted over historical time, across cultures, across workplace, even across academic disciplines" (Price 2002: 90). Despite the lack of consensus in defining plagiarism, It, generally; involves "the action or practices of taking someone else's work, idea, etc., and passing it off as one's own" *The Oxford English Dictionary*. This act leads to copyright infringement and ownership violation and often recognised as unethical and immoral.

In Fishman⁷ (p. 5), plagiarism is seen as *The use of ideas, concepts, words, or structures without appropriately acknowledging the source to benefit in a setting where originality is expected.*

Universities and academic institutions also provide definitions of plagiarism as a way to guide the academic writing process and to regulate referencing style. Cambridge University presents a wide statement on plagiarism in which plagiarism is defined as "submitting as one's own work, irrespective of intent to deceive, which derives in part or in its entirety from the work of others without due acknowledgment". Similarly, the Algerian ministerial code n° 1082, in article 03 equates plagiarism to cheating and the falsification of results.

Plagiarism is usually defined as a negative unethical act often refers to as "literary theft". Theft is synonymous with "stealing", and describes "the deliberate appropriation of foreign property without the consent of the rightful owner" (B. Gipp, 2014:10)

Park (2003:472) referred to plagiarism as "the theft of words or ideas *beyond what would normally be regarded as general knowledge*". Plagiarism is considered as "The least tolerated offense in the academic world" (Rosen & Behrens; 2010: 52).

The above definitions embody the moral wrong and the criminal act. They argue that plagiarism is deliberate misconduct and consider the plagiarist as a thief or an intellectual cheater, therefore they insist on severe punishment against plagiarists without accepting any excuses or considering any possible influencing factors. However, many scholars criticised the traditional view and called for a "postmodern" perspective on

defining plagiarism (Introna & Hayes; 2005, Pecorari ; 2008). According to Pecorari (2008) the traditional views of plagiarism used to be simply referring to plagiarism as a kidnapping or piracy. However, plagiarism is the result of linguistic and social behaviours, thus it is necessary to take into account such parameters to better identify plagiarism and what constitutes it (Pecorari, 2008: 11). The post-modern definition introduced unintentional plagiarism which occurs unwillingly due to a failure in using sources adequately. Proponents of this view argued that unintentional plagiarism is not equal to stealing; therefore it should be treated differently. Standler et al, believe that whether it is intentional or inadvertent, plagiarism should be treated equally and that the absence of intention does not legitimize the act. Standler (2000: 7) excluded the term "unintentional" from his definition of plagiarism and stated: "I believe that the intent of the plagiarist is irrelevant. The act of quoting material without including the indicia of a quotation should be sufficient to convict someone of plagiarism". He added: "It is *no defense* for the plagiarist to say 'I forgot.' or 'It is only a rough draft.' or 'I' did not know it was plagiarism." (p 7-8)

6. Forms of Plagiarism:

The literature on plagiarism has presented different forms of plagiarism.

6.1. Copy & paste (c&p).

It is characterized by adopting someone else's complete sentences, tables, and/or paragraphs without any change and any attribution. This form of plagiarism is also known as word-for-word. (Nelms, 2015: 6)

6.2. Shake & paste (s&p)

It refers to copying a text and making some adjustments so that it looks original, slight adjustments like changing words here and there, adding synonyms, or deleting words without any attribution. (B. Gipp: 11).

6.3. Paraphrasing:

Is to rewrite others' words and ideas using own words but without proper acknowledgement of the source. (Nelms, 2015: 6)

- 6.4. Translated plagiarism** is the intentional use of a translated text (manual or automated translation) without referencing the source.
- 6.5. Structural and idea plagiarism:** is the use of other structures of a text and ideas without any acknowledgement, like using someone else's outline, the way he/ she presents ideas in the original texts, or the research approach. All these practices are seen as plagiarism offence even if it is presented in the writer's own words.
- 6.6. Source plagiarism:** to use non-existed source citation or to copy quotations, references, or paragraphs without checking or reading the sources. This later is referred to as plagiarism of secondary sources. (Nelms, 2015: 6)
- 6.7. Self-plagiarism:** it could be wired to many, but one can plagiarize himself. This happens when someone reuses his already published researches without giving justifications, taking permission from the publisher, or without acknowledging the source (Gipp,2014: 13)
- 6.8. Author plagiarism:** also referred to as ghostwriting. It s to falsify the source by giving credit to other authors or self instead of acknowledging the main contributor (Nelms, 2015: 6; Roka, 2017: 4)
- 6.9. Collusional plagiarism:** it is to receive unpermitted help from professional authors or institutional services like to buy papers from paper mills (Roka, 2017: 4)

The above-mentioned forms of plagiarism intersect with what is mentioned in the ministerial act n 1082. The act provided not only forms but also detailed scenarios or rather practices of plagiarism summarized as follows:

- ✓ The complete or partial copying of ideas, words, artistic productions, graphs, images, and statistics from published scientific articles, theses, reports, studies, or books without crediting the original owner

- ✓ The use of artistic production or the inclusion of maps, pictures, graphic curves, statistical tables or charts in a text or article without reference to its source and original owners.
- ✓ Translation from one language into another without acknowledging the source
- ✓ The illegitimate use of students' works, dissertations, and assignments to gain unworthy credit like the participation in national and international conferences, the publication of scientific articles and books, the completion of scientific books, pedagogical publications, or scientific reports.
- ✓ The inclusion of experts and arbitrators' names as members of the scientific national or international conferences or any other scientific activities like publishing in journals periodicals for the sake of gaining credibility without their knowledge or approval.

7. Factors Leading to Plagiarism

Plagiarism is a multi-dimensional phenomenon. Thus there is no single explanation why students plagiarize. Different variables and factors including linguistic, cultural, situational, ethical, personal and educational can interchangeably contribute to plagiarism. Getting into the roots of the problem through exploring the reasons behind plagiarism is crucial to understand and minimize the spread of the phenomenon.

Personal reasons like the mental and psychological state of the writer can influence plagiarism. Learners plagiarise because of stress and worries about grades and time, their ignorance and carelessness (Nelms, 2015: 10). Pressure from family and society on students to have better grades push them to gain illegitimate credit through plagiarizing. Besides other reasons of plagiarism including time management deficit, misunderstanding of the topic, unconsciousness (unawareness when committing plagiarism) (Dennis; 2004: 3) task/text difficulty, the lack of familiarity with the topic (Abasi & Graves, 2006: 112) or with the academic writing conventions, the poor

linguistic profile of the writer, the lack of critical thinking as a cultural characteristic of non native speaking countries (Amsberry, 2009: 32-34-35), the lack of confidence among writers, low self-esteem and self-efficacy, unfamiliarity with citing strategies (Introna et al. 2003:109), and overloaded work (Maddox, 2008: 132)

Age can also be an influential factor in plagiarism. In a study conducted to investigate the Iranian students' reasons for plagiarism, Alireza Ahmadi (2014: 158) noticed that older students are less likely to plagiarize in comparison to young students. Old students show more obedience to ethics and academic standards in contrast to young students who seem to be "risk-takers"

Gender is another concern to explain the act of plagiarism. Investigations about the issue showed that the biological differences between males and females lead to differences in attitudes and ethics. male tend to be more risk-takers focusing only on the benefits they get beyond cheating, females are less risky and more careful and prudent not to get embarrassed by cheating accusations

Furthermore, Payne and Nantz (1994: 90) relate plagiarism to morals and values. Learners' believes which do not banish plagiarism and deal with the phenomenon as no cheating and even more acceptable has made plagiarism growing bigger and faster.

Situational factors like easy access to the internet and high-tech development. As a matter of fact, these new technological advancements and the internet have certainly contributed to developing students' autonomy and learning achievement. However, such advancement would be a double-edged sword if they are used by unethical dishonest students "We know students are cheating more often today their cheating techniques are increasingly sophisticated and many express guilt or remorse only if they get caught. The byword appears to have changed from don't cheat to don't get caught" (Foss, 2000:01)

The institutional policies can also lead students to plagiarise if they are not clear or they show little or no punishment of

plagiarism allegation. Strict and clear standards can raise students' awareness of plagiarism and increase the commitment to such misconduct (Introna & Hayes, 2005: 119).

The lack of educational training can lead to plagiarism. Students may plagiarise unwillingly if they are not taught the academic skills needed to write from resources efficiently and appropriately. Skills like: how to read materials and critically select information from multitude of sources, how to paraphrase and incorporate them in their research, and how to attribute the original author using referencing techniques. Let alone how to structure and produce a piece of writing (Introna & Hayes, 2005: 110).

8. Plagiarism in Algerian Universities

The literature records few studies about plagiarism in the Arab and African world in general and in Algeria in particular. In the Algerian context, limited studies were conducted to investigate the issue of plagiarism including (Bensalem, Rosso & Chikhi, 2013; Abdaoui Mounya ,2018 ; Makhlouf Abdelkader &Mehdaoui Amaria , 2016). This would explain nothing but how faculty members in this region show little attention to research and publishing and that plagiarism is not given importance in academia, although the academic sphere must ensure integrity and deter dishonesty. Plagiarism has been a debate of research for years due to the complexity and the danger of the phenomenon which becomes world widespread and the Algerian universities are not an exception. In a web article, [Laeed Zaghlami](#) (2016) noted the spread and the seriousness of plagiarism in Algerian Higher education. He reported many cases of plagiarism which took place in different Algerian universities. Cases like that of the Dean of social and human sciences and two lecturers at the University of Khenchla who have been convicted of plagiarizing an international review. Another case took place at the University of Oran (faculty of law) where two PhD dissertations were rejected for plagiarism allegations. Far from Oran, in Biskra University, a PhD student

was suspected of plagiarizing some chapters to include in his graduation thesis. ([Laheed Zaghلامي](#), 2016)

Algerian dishonesty went across borders and hit the international literary works. In his article "Paradise of Plagiarism: The Internet, Copyright, and the Mystery of AlSha'ar AlGhushash" 2007, Pontiac narrated a story of a professional Algerian poet plagiarizer to whom he refused to mention his name believing it is fake and called AlSha'ar AlGhushash which means "the cheater poet".

Moreover, statistics indicate a noticeable rise in plagiarism instances on an international level. From 2011 to 2016, more than 20 scientific works have been proven to contain plagiarism. Most of them were PhD dissertation and the victims were researchers from different nationalities including Iran, Egypt, Iraq, Saudi Arabia, Poland, Palestine, and Morocco (Sayeh, 2017)

In the light of such craze to plagiarism, calls denouncing the reality of plagiarism in the Algerian context raised alerting the authorities of the danger of plagiarism against the field of scientific research and invited them to take actions against plagiarism (Zaghلامي; 2016). In reaction to those calls, The ministry of higher education released the resolution n° "933", on July 28th, 2016. The resolution set considerable regulation standards to deal with the issue and consisted of punitive and preventive measures to deter and prevent plagiarism in higher education. Recently, the code n° 933 was rejected and the ministry of higher education has released a new code by the end of 2020. The new code n°1082 sets out the legal procedures for preventing plagiarism. However, it brought no significant changes in comparison to resolution n°933

9. Plagiarism from Legal Perspectives

As it was mentioned earlier, legal procedures have been set to fight plagiarism in higher education including the ministerial resolutions n°933 and 1082.

The recent code n°1082 which was enacted last December 2020 consists of 33 articles divided into five chapters and sets out the legal procedures to deter plagiarism. Chapter 2 consists

of defining plagiarism and its forms. Article 03 of this chapter provides a clear and detailed picture of what is plagiarism and what constitutes it. Whereas chapters 3 and 4 include the preventive and punitive measures set by the Algerian legislator to fight and prevent plagiarism.

9.1. The Preventive Measures:

This part is divided into 3 sections:

Section one set new ethical values that would provide a fair educational environment to all educational members. In its article 04, the section focuses on raising awareness about plagiarism and its danger through engaging students, teachers and academic researchers in extensive educational training and periodical forums. The lack of awareness about plagiarism is one of the reasons influencing plagiarism. Therefore, educating students and researchers about plagiarism and the academic writing conventions and cultivating them about the seriousness of the act would boost their understanding and develop a sense of responsibility and value to deter plagiarism

The second section includes article 5 which sets the regulations about doctoral training and scientific research activities, in addition to the control over previous academic works. The resolution in this section obliges the scientific committees in all universities to respect the teachers' specialties before assigning them supervision and to insist on originality and novelty when choosing the themes and subject of graduation thesis and dissertations

Section three imposes control measures. The new resolution has instructed all the Algerian universities to set up a database on their websites in which all students and teachers' academic writings (articles and theses) would be published so that cases of copying would be figured out quickly and easily. As a result, plagiarism instances would be minimized. The act also recommends the use of plagiarism checker software in all universities and their faculties around the country.

9.2. Punitive Measures:

Chapter 4 of in act n° 1082 explains the ways of handling any suspicious complaints of plagiarism and the punitive procedures

to be taken against plagiarizers. Section one and two of the chapter detail the procedures that the Professional Ethics Committees must follow to investigate any plagiarism accusation against teachers or students, whereas section 3 determines the legal penalties against students, teachers and researchers who have been proven to be involved in plagiaristic behaviour. The articles 27, 28, 29 and 30 set the following Sanctions against plagiarizers:

- ✓ Revoking any graduate dissertation, published articles or any other scientific research activity which has been proven to contain any form of plagiarism as mentioned in article 03.
- ✓ Expulsion of any teachers and even possible judicial actions against plagiarizers.

10. Beyond the Legal Measures

Although the refined regulations, and the punitive measures taken by the ministry of higher education against academic dishonesty, plagiarism is still evolving in the Algerian academic sphere. In his web article "*Universities take steps to curb academic dishonesty*" Zaghlami (2018) again reported new instances of plagiarism in different Algerian universities. He described the reality of cheating in the Algerian academic settings as the plague that won't go away and reported many professors' declarations concerning the reasons why this pandemic is still spreading.

The Algerian Professor Sadallah Boubaker-Khaled related the pandemic spread of plagiarism and academic cheating to the lack of severe punishment. He declared in *University World News* that cheating "is spreading more and more because it did not find a deterrent". Boubaker-Khaled added, "We have not heard of anyone being punished for such heinous acts apart from some reports in the media and then the case is quickly forgotten or shelved". Others related this issue to different factors including technology (Tahri), ethics and society (Derdouri). Whereas Abdelkader Gasmi, suggested a radical approach that starts punishing cheating from the primary school level. Amrane Belaid, an associate professor in the faculty of science and

applied sciences at the University of Bouira highlighted the negative effect of plagiarism on tarnishing the reputation of the Algerian universities internationally stating "Cheating is a plague that today tarnishes the image of the university. There was a time when our university was an incubator, a provider of high-level executives for the needs of the country and all sectors of activity. That time is far behind us." (Zaghlami 2018)

The Algerian universities are still ranking at the end of the list. According to *Times Higher Education World University Rankings 2021* which include more than 1,500 universities across 93 countries and regions, the Algerian universities are placed between the positions 501 and 1001 globally. The University of Farhat Abbass, Blida occupied the 1st position nationally and the 501st globally, followed by the University of Oran in position 801 and the University of Bejaia 1001.

The last July, The Spanish higher council for scientific research "Biometrics" ranked the top 3 Algerian universities as follows:

Ranking	World Rank	Universities	Impact Rank
1	1915	University of Sciences and Technology Houari Boumediene - Algiers	6985
2	1998	University of Constantine	5534
3	2179	University of M'Sila	3375

Source: Biometrics Website

Fig.1. Biometrics World Rank of the Top 3 Algerian Universities

11. Conclusion

The dilemma of plagiarism still exacerbates in the Algerian academic settings despite the legal reforms brought by higher education. The struggle to establish academic integrity and deter plagiarism should not come to an end. The literature reviews the

complexity and the multidimensionality of the issue. Therefore, it is important to realize that deterring plagiarism on one scale will not be effective. The prevention of plagiarism must consider all influencing factors which contribute to such dishonesty. Also, all the academic sphere members must participate in this process. To overcome this issue the fieldwork suggests the following:

- ✓ Universities should grant the serious and fair application of the legal regulations mentioned in the ministerial resolution n° 1082. The punitive measures should be applied against all plagiarizers regardless of their grades or positions
- ✓ We recommend further educational reforms. The adaptation of a formative or "plagiarism education approach," which aims at educating learners about plagiarism and how to avoid it in practice rather than providing abstract definitions which would tell nothing about the issue in context.
- ✓ The fieldwork also suggests the use of detection software in all universities, their faculties, and search laboratories. Although the recommendation to use plagiarism checkers, Algerian universities do not have any. Authorities should devote a considerable budget to buy licensing of credible detection tools like "Turnitin". Those tools should not be used as a punitive measure only but also as a learning strategy which takes part in the formative approach.
- ✓ To enhance academic integrity, departments over universities must create their "Honor Code", a statement which includes ethical and moral principles that should be signed and strictly followed by all members of the academic environment.
- ✓ Teachers should participate in ensuring academic integrity through integrating their learners in systematic writing training which develops their academic writing skills and source use. Teachers can be a source of pressure for students if they are unfair or over-

demanding. Thus teachers should be prudent about this issue and about the way of assessing the written assignment.

- ✓ Students and researchers should take plagiarism into seriousness. They should recognise that it is their responsibility to present credible and original works. Therefore they should learn by themselves how to use source text adequately and how to develop academic writing skills. Students should also develop information literacy skills to get away from the internet's negative side effects which lead to plagiarism.

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