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Die Feststellung von Wissenschaftsplagiaten im Verwaltungsverfahren : hochschulrechtliche Probleme und wissenschaftspolitischer Handlungsbedarf

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Abstract

Plagiarism is a serious infringement of common standards of good scientific practice. To plagiarize in a doctoral or post-doctoral thesis will regularly initiate academic procedures to withdraw the respective graduation. Nonetheless, to prove plagiarism might be difficult. First, the revocation of an academic qualification affords, at least in principle, (contingent) intent of fraud. As intent is a subjective (internal) element of the offence, sufficient evidence has to be based on objective (external) facts that indicate a psychological will, e.g. a coherent pattern or system of plagiarism that cannot just be coincidence. Second, the legal rules are incoherent, incomplete, and often of questionable legislative quality. Procedures are laid down in various academic by-laws, which differ in detail within each faculty. Usually, there are no specific rules on evidence or methods of investigation. This essay analyzes the existing material and procedural rules in academic and state legislation. It clarifies that the applicable norms of general administrative law provide a sufficient basis for investigating and sanctioning plagiarism. Finally, the essay discusses some proposals for a reform of the current

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academic law with regard to doctoral degrees and habilitation. (HRK / Abstract übernommen)