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*The Consequences of Scientific Theft on the Career Path for Some
Branches Within the Higher Education Sector.*

A Legal Analysis in Light of Procedural Justice Among These Branches

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Abstract

This study aims to provide a legal analysis of the disciplinary system related to professional misconduct associated with scientific theft and its impact on the professional path of various academic positions, including the researcher professor, permanent researcher, and university clinical research professor. The study will examine the procedural justice aspect, focusing on ensuring fairness within the sector and among the aforementioned positions regarding the procedures followed in imposing penalties and the classification and approval of these penalties.

Keywords: Procedural justice, scientific theft, disciplinary system, researcher professor, permanent researcher.

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The faculties within the higher education and scientific research sector are considered the fundamental human pillar of the sector in terms of quality, given their close connection to the field of scientific research and its translation into scientific production, which constitutes the essence of their tasks. Among these faculties are the research professor, the permanent researcher, and the university clinical research professor. These faculties, in the execution of their duties, adhere to the general framework of Order 06-03, which includes the general statute of public service. Additionally, each faculty has its specific basic laws that outline their particular characteristics. Notably, these laws include certain activities related to scientific theft within the category of fourth-degree professional errors. This inclusion entails disciplinary consequences proportional to the severity of the professional misconduct. Recognizing that errors are explicitly listed in these basic laws, it becomes necessary to shed light on this matter by posing the following question: To what extent does procedural justice exist among the faculties of the higher education sector regarding the disciplinary procedures taken against those proven to have committed scientific theft?

1.1 Research Professor:

Research professors work in service positions at public institutions with a scientific, cultural, and professional character, as well as at administrative public institutions responsible for higher education*. They contribute to teaching with an emphasis on quality, diversity, and relevance to current knowledge and technological developments. Research professors also engage in knowledge preparation, transfer, and research activities to develop and enhance their capabilities for effective task performance†.

The ranks of Research Professors include‡:

Assistant

Assistant Professor

Associate Professor

Full Professor

1.2 Permanent Researcher:

Permanent researchers are employees engaged in scientific research and technological development in public institutions with a scientific and technological character. Additionally, they may be placed in service positions at administrative public institutions that include scientific research activities, based on a joint ministerial decision between the Minister of Higher Education and Scientific Research, the relevant minister, and the Director-General of Public Service and Administrative Reform.§

* Article 2 of Executive Decree No: 08-130 dated 27 Rabi' al-Thani 1429 corresponding to May 3, 2008, includes the basic law concerning the professor researcher.

† Article 4 of Executive Decree No: 08-130 dated 27 Rabi' al-Thani 1429 corresponding to May 3, 2008, includes the basic law concerning the professor researcher.

‡ Article 28 of Executive Decree No: 08-130 dated 27 Rabi' al-Thani 1429 corresponding to May 3, 2008, includes the basic law concerning the professor researcher.

§ Article 2 of Executive Decree No: 08-131 dated 27 Rabi' al-Thani 1429 corresponding to May 3, 2008, includes the basic law concerning the permanent researcher.

The ranks of permanent researchers include^{**}

Study Associates

Research Attaches,

Researchers

Research Professors

Research Directors.

1.3 University Clinical Research Professor:

University clinical research professors are employees in service positions at public institutions with a scientific, cultural, and professional character, providing training in medical sciences and in hospital institutions and structures^{††}. The ranks of university clinical research professors include^{‡‡}

Assistant Clinical Professors

Associate Clinical Professors

Clinical Professors

1.4 Procedural Justice:

Procedural justice is a dimension of organizational justice that encompasses formal procedures designed to be fair, promoting employee participation in decision-making and avoiding bias and errors. Leventhal identified several rules underpinning procedural justice, such as the rule of appeal, representation, impartiality, and accuracy.^{§§}

Leventhal, in the study conducted in 1980, identified several principles that procedural justice is based on. These primarily include:^{***}

The Appeal Rule: Based on the availability of opportunities for employees to replace and modify decisions if circumstances justifying such actions are established.

The Representation Rule: Ensures that opportunities are provided for perspectives on correcting interests during the decision-making process.

The Impartiality Rule: Involves making decisions free from influences arising from personal interests.

The Accuracy Rule: Requires the necessity of verifying accurate, sound, and precise information during the decision-making process.

^{**} Article 35 of Executive Decree No: 08-131 dated 27 Rabi' al-Thani 1429 corresponding to May 3, 2008, includes the basic law concerning the permanent researcher.

^{††} Article 2 of Executive Decree No: 08-129 dated 27 Rabi' al-Thani 1429 corresponding to May 3, 2008, includes the basic law concerning the university clinical professor researcher.

^{‡‡} Article 26 of Executive Decree No: 08-129 dated 27 Rabi' al-Thani 1429 corresponding to May 3, 2008, includes the basic law concerning the university clinical professor researcher.

^{§§} Jafar Khanu Zabiari: Al-Suluk al-Tanzeemi fi Munazamat al-A'mal. Dar Al-Manahij lil Nashr wa al-Tawzi'. January 1, 2020, p. 87.

^{***} ibid. p. 87.

2. Classification of Scientific Theft as Professional Errors:

The career management of all sectors in the higher education and scientific research is governed by Order 06-03, which includes the general statute of public service^{†††}. However, scientific theft is not explicitly mentioned among the various classifications of professional errors specified in Order 06-03^{‡‡‡}. Given the unique nature of this error and its direct connection to research activities, specific regulations for each faculty within the higher education sector have been introduced to address this issue within the disciplinary framework.

For the research professor, in addition to the provisions of articles 178 to 181 of Order 06-03, any involvement in falsifying results or identity theft, as well as cheating in scientific work related to doctoral theses or relevant scientific and pedagogical publications^{§§§}, is considered a fourth-degree professional error^{****}.

Similarly, the law for the university clinical research professor considers all actions related to scientific misconduct, including cheating in scientific work, as fourth-degree professional errors.^{††††}

The law for the permanent researcher also classifies the mentioned actions as fourth-degree professional errors.

In summary, the legislator has considered actions related to scientific theft as severe professional errors, categorizing them as fourth-degree errors. This classification reflects the gravity of the misconduct from a professional perspective and the potential harm it may cause within the professional environment, particularly in terms of scientific production.

^{†††} Article 2 of Decree 06-03, which includes the General Basic Law for the Civil Service.

^{‡‡‡} *ibid.* The seventh chapter of Decree 06-03

^{§§§} Article 24 of Executive Decree No: 08-130.

^{****} Article 22 of Executive Decree No: 08-129 dated 27 Rabi' al-Thani 1429 corresponding to May 3, 2008, includes the basic law concerning the university hospital clinical professor researcher.

^{††††} Article 31 of Executive Decree No: 08-131 dated 27 Rabi' al-Thani 1429 corresponding to May 3, 2008, includes the basic law concerning the permanent researcher.

Table 1: The legal reference for categorizing practices of scientific theft within the ranks of the higher education sector.

The legal reference		Classification within Professional Errors	Scientific Theft Practices	Academic Position
Article	The executive decree			
Article N 24	Executive Decree No: 08-130 dated 27 Rabi' al-Thani 1429 corresponding to May 3, 2008, includes the basic law concerning the professor researcher.	fourth-degree	<ul style="list-style-type: none"> - Plagiarism - Falsifying results. - Cheating in academic works required for doctoral theses or in any other scientific or pedagogical publications. 	Research Professor
Article N 22	Executive Decree No: 08-131 dated 27 Rabi' al-Thani 1429 corresponding to May 3, 2008, includes the basic law concerning the permanent researcher.	fourth-degree	<ul style="list-style-type: none"> - Plagiarism - Falsifying results. - Cheating in academic works required for doctoral theses or in any other scientific or pedagogical publications. 	Permanent Researcher
Article N 31	Executive Decree No: 08-129 dated 27 Rabi' al-Thani 1429 corresponding to May 3, 2008, includes the basic law concerning the university clinical research professor	fourth-degree	<ul style="list-style-type: none"> - Plagiarism - Falsifying results. - Cheating in academic works required for doctoral theses or in any other scientific or pedagogical publications 	University Clinical Research Professor

The source: Compiled by researchers, based on the fundamental laws specific to the ranks within the higher education sector.

3. Procedures for Activating the Disciplinary System for Scientific Theft Practices

Undoubtedly, the distinguishing feature of the work of higher education institutions is scientific activity based on scientific output, which must be characterized by scientific integrity and the avoidance of scientific theft. Integrity involves giving utmost importance to honesty in conducting scientific research, ensuring honesty in dealing with research data from obtaining it, through its analysis and writing, to its publication. This requires refraining from fabricating, falsifying, increasing, decreasing, or altering results.^{††††}

3.1 Notification and Reporting Stage for Cases of Scientific Theft

Any person, regardless of their position, can initiate the reporting procedures for scientific theft committed by a university professor, research professor, or permanent researcher. This is done by notifying the relevant functional authority, represented by the head of the education and research unit (dean of the college, institute director, etc.). The notification should be accompanied by a written report supported by all documents and evidence that prove the occurrence of scientific theft.^{§§§§} Usually, the informant is the party affected by the act of scientific theft.

3.2 Investigation Stage and Establishment of Scientific Theft before Referring to the Disciplinary Board

Upon receiving the report supported by evidence, the head of the education and research unit immediately transfers it to the Ethics and Morality Committee of the concerned institution. This committee conducts necessary investigations and inquiries into the matter^{*****}, utilizing any person or technological means that can help establish the alleged act. After completing the investigations, the Ethics and Morality Committee submits its final report to the institution's authority (university president, university center director, school director, etc.). The institution must then complete the procedures within a period not exceeding forty-five (45) days from the date of reporting the scientific theft incident.^{†††††}

3.3 Direct Referral and Actual Appearance before the Equal Members Administrative Committee

This stage is crucial as it involves the actual referral of the university professor, research professor, or permanent researcher to the Equal Members Administrative Committee, which forms a disciplinary council. The institution's director notifies this council within the specified deadlines according to Article 166 of Order No. 06-03, the General Statute for Public Service.^{†††††} This is followed by the actual appearance of the accused before the disciplinary council, and the procedures are carried out as outlined in Chapter Seven of Order No. 06-03, specifying the disciplinary system.

^{††††} Tahar Butraa: *Akhlaqiyat al-Nashr al-Ilmi wa Ishkalat al-Amanah al-Ilmiyya, Jasur lil Nashr wa al-Tawzi'*, Al-Mohammadia - Algeria, 2018, p. 22.

^{§§§§} Article 18 of Decision No. 1082 dated December 27, 2020, which specifies the rules related to the prevention and combat of scientific theft.

^{*****} *ibid.*

^{†††††} Article 19 of Decision No. 1082 dated December 27, 2020, which specifies the rules related to the prevention and combat of scientific theft.

^{†††††} Article 20 of Decision No. 1082 dated December 27, 2020, which specifies the rules related to the prevention and combat of scientific theft.

4. Results Related to the Procedural Justice Dimension in Imposing Disciplinary Penalties among Higher Education Institutions

Referring to what has been mentioned in light of the basic laws for the ranks of the research professor, permanent researcher, and the university clinical professor, we find many relevant points regarding the legal implications of scientific theft and the procedures taken against those proven to be at fault.

There is a complete match in formulating professional errors within both the basic laws for the research professor and the university clinical professor, with a slight difference in the case of the permanent researcher. This is logical given the nature of the work of this category, which performs scientific tasks at research centers rather than universities, leading to the absence of pedagogical activity. Therefore, it can be said that there is fairness in diagnosing and regulating the determinants of professional errors related to scientific theft among the relevant ranks.

The basic laws also classified professional errors in the same grade, the fourth grade, within both the basic laws for the research professor, the permanent researcher, and the university clinical professor. This reflects the seriousness of the error identified equally across different ranks related to scientific research, ensuring justice in classification without discrimination between the ranks.

Referring to the aforementioned procedures related to imposing penalties, we have found fairness in following the same procedures stipulated within Decree 06-03, which includes the General Basic Law for the Civil Service, as well as Decision No. 1082, which specifies the rules related to the prevention and combat of scientific theft. This reflects that there is justice in the process of referral and ultimately in imposing the penalty, without distinction between the ranks.

As for the procedural justice, in case of proven professional errors, the imposed penalty will be of the same grade, the fourth grade. This is the same penalty applied regardless of the rank, ensuring justice in classifying the seriousness of the error. Disciplinary penalties imposed include:

Career-related penalty: Demotion to a lower rank directly or dismissal. §§§§§

Scientific product-related penalty: Nullifying the defense and withdrawing the title obtained or stopping the publication of such works or withdrawing them from publication. *****

5. Conclusion

Legislation, based on the fundamental laws for professors and researchers, places significant importance on scientific theft, categorizing it as a severe professional error. Despite differences in roles and characteristics among the ranks, the legislator ensures procedural justice in diagnosing and regulating the parameters of the professional error associated with scientific theft. The procedures from reporting to imposition of penalties are outlined in compliance with Order No. 06-03, reflecting justice in procedural steps within the sector.

§§§§§ Article 163 of Decree 06-03, previous reference.

***** Article 28 of Decision No. 1082, previous reference.

6. References

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Executive Decree No. 08-131 dated May 3, 2008, containing the Special Statute for the Permanent Researcher.

Decision No. 1082 dated December 27, 2020, specifying the rules related to preventing and combating scientific theft.