

ACADEMIC INTEGRITY AS A PHENOMENON OF LEGAL CULTURE

**Yevheniia Duliba, Academician Stepan Demianchuk International University
of Economics and Humanities**

Petroye Olha, National Academy of Educational Sciences of Ukraine

Khystyna Pletsan, Kyiv National University of Culture and Arts Alla

Havryliuk, Kyiv National University of Culture and Arts

Volodymyr Antonenko, Kyiv National University of Culture and Arts

**Olena Antonova, National Academy of Public Administration under the
President of Ukraine**

Mariia Bratko, Boris Grinchenko Kyiv University

ABSTRACT

This research deals with a problem of academic integrity in terms of the legal culture of society and the state as a whole. The research aimed to demonstrate that the implementation of academic integrity is based on the implementation of the principle of rule of law, the level of culture in education and is shaped by the legal culture. The databases as Rule of Law Index 2020, the Prosperity Index 2020, the Index Universitas²¹ is used in this research.

It is concluded that academic integrity in the modern civilized world is an integral part of legal culture, plays an extremely important role in the scientific world, in the scientific community, among teachers and students. Academic integrity problems are a problem for each country, but the factors influencing this vary considerably between countries, between different regions, also depending on cultural values. Academic integrity much depends on the legal culture of the country, but also depends on the ability of people of other nationalities and religions to rapid learning and conforming to the cultural norms of the country in which they are located. It is proposed the recommendations for applying good practices of academic integrity in the institutions.

Keywords: Academic Integrity, Legal Culture, Rule of Law, Culture, Education, Cultural Values

INTRODUCTION

Globalization and the development of modern technologies have expanded opportunities for research in all areas. Along with tremendous opportunities implied by globalization, this phenomenon has led to violate the most fundamental values, plagiarism, cheating, unethical research, and other violations of academic ethics.

The issue of academic integrity in recent years has been one of the most popular in the world. Academic integrity is considered in terms of education and science (Teremetskiy, 2020; Curtis, Slade, Bretag & McNeill, 2021), policy (Stan & Turcescu, 2004), pedagogy (Stephens, 2010), religion and spirituality (Nelson et al., 2017; Akbar & Picard, 2020). Furthermore, scholars from around the world consider matters relevant to academic integrity in schools (Bacha, Bahous & Nabhani, 2012; McAllister & Watkins, 2012), at the universities (Shukr & Roff, 2015; Bealle, 2017; Goddixsen et al., 2021).

The growing threat of academic dishonesty has been further exacerbated by the Covid-19 pandemic. The Covid-19 pandemic has had an impact on the provision of teaching and learning throughout the world. Rapid changes to online education contributed to the disruption of

academic behaviour. Scientists and researchers from around the world focused on topical issues of academic integrity in online learning, including online evaluation, as a variety of technological opportunities have contributed to non-ethical behaviour, such as sharing information on the Internet, consulting with friends and copying contents easily (Amzalag, Shapira & Dolev, 2021; Peytcheva-Forsyth et al., 2018; Sarwar et al., 2018). At the same time, views on the problems of academic integrity vary considerably within and across countries, depends to a large extent on the public policies, the system of social values, the culture of interpersonal, professional, social relationships, the legal culture of society and the level of legal awareness of citizens.

In our issue, we'd like to focus on a problem of academic integrity in terms of the legal culture of society and the state as a whole. Indeed, the legal culture is the result of the process of legal socialization of a person, the progressive acquisition of legal knowledge, the inclusion of legal values and the cultural achievements of society, which ultimately affects the lawful behaviour of people in general, and the observance of academic integrity.

RESULTS

Academic Integrity in Terms of the Rule of Law

Education and culture are the necessary preconditions for the development of mankind, they contribute to overcoming misunderstandings and intolerance among people of different nationalities and religions, solve problems of ecological imbalance, global economic and political crises.

Education and culture are the main factors in the development of the material and spiritual wealth of society, due to its unique mission to increase intellectual capital - human knowledge and competencies, social stability and effective ensuring job creation, increase national income, reduce poverty, increase the level of cultural production and consumption, improve the quality of life.

Every person is influenced by a certain culture, a certain cultural environment that has certain values, from childhood onwards. It is during the upbringing and education a person is acculturated into the values of society, assimilation the knowledge, skills, abilities, thinking style and beliefs, as well as the spiritual values and norms of behaviour of the country in which live. Moreover, depending on the type of culture in which a person is brought up, will be perceived in different ways, interpreted and evaluated behaviour. On that basis, we can aware of the cultural differences, different thinking styles, for example, between East Asians and Westerners (people of European descents) (Nisbett, Peng, Choi & Norenzayan, 2001).

The indicator of the level of culture in any society is education, which is the basis of the intellectual, spiritual, social and economic development of society and the state

Education is important for any state, it plays a crucial role in the building just and peaceful societies and trust in public institutions, in promoting the rule of law and a culture of lawfulness (UNESCO & United Nations, 2019), in establishing and realizing freedom from poverty as a human right, in enabling upward socioeconomic mobility (United Nations, 2015), full development of the human personality, strengthening of respect for human rights and fundamental freedoms, promotes understanding, tolerance and friendship among all nations, racial or religious groups, and further the activities of the maintenance of peace (United Nations, 1948).

Therefore, to ensure inclusive and equitable quality education and promote lifelong learning opportunities for all today is one of the goals of the 2030 Agenda for Sustainable Development. It should also be noted, that education is essential to the success of each of the 17 sustainable development goals, in promoting a just, peaceful and inclusive society (United Nations, 2015). Quality of education depends on the knowledge and outlook which the younger generation will live with, the ways how social relations will be formed, on what values,

principles, ideas. Meanwhile, there is always a need for culture in education and is therefore academic integrity is directly related to legal culture, which we will be discussed further.

Firstly, we consider that the starting-point for our issue of legal culture and its impact on academic integrity is the level of development of the state, compliance with the rule of law, the level of development of its education. Every year the World Justice Project, which is an independent, multidisciplinary organization working to create knowledge, build awareness, and stimulate action to advance the rule of law worldwide, presents a portrait of the rule of law in countries of the world by providing scores and rankings based on eight factors, such as constraints on government powers, absence of corruption, open government, fundamental rights, order and security, regulatory enforcement, civil justice, and criminal justice. According to the Rule of Law Index 2020 of the World Justice Project, the best of the 128 countries that have the strongest adherence to the rule of law are Denmark, Norway, Finland, Sweden, Netherlands, Germany, New Zealand, Austria, Canada, Estonia, Australia, Singapore, United Kingdom, Belgium, Japan, Hong Kong SAR, China, Republic of Korea, Czech Republic, Spain, France, United States (The World Justice Project. 2020). By using the Legatum Prosperity Index 2020, we can compare the level development of education (enrolment, outcomes, and quality across four stages of education of any of 167 countries (pre-primary, primary, secondary, and tertiary education). The best ranking according to this database has demonstrated Singapore, Republic of Korea, Denmark, Hong Kong, Finland, Canada, Netherlands, Norway, Japan, Taiwan China, Australia, Switzerland, Ireland, Iceland, New Zealand, Sweden, United Kingdom, Belgium, Estonia, United States (The Legatum Institute, 2020). If we are focusing on regions, so the best regions in this area are North America, Western Europe, Eastern Europe, Latin America and the Caribbean, Asia-Pacific, Middle East and North Africa, Sub-Saharan Africa. However, the Legatum Prosperity Index 2020 has demonstrated the level development of four stages of education, we want to focus only on higher education (The Legatum Institute, 2020).

For this reason, we used the Index Universitas²¹, which is the only one in the world that evaluates national higher education systems of countries on each of four modules: resources, environment, connectivity and output. Comparing these indicators have demonstrated to us that the best higher education can be observed in United States, Switzerland, Denmark, Singapore, Sweden, United Kingdom, Canada, Finland Australia, Netherlands, Norway, Austria, Belgium, New Zealand, Hong Kong SAR, Germany, France, Israel, Ireland, Japan (Williams & Leahy, 2020).

An interesting fact is that the largest number of scientists and researchers per 1,000 employed (full-time equivalent), with 15.88 people working in the research or science field per 1,000 employees is in South Korea, Sweden was second in the ranking, with 15.17 scientists and researchers per 1,000 employees, Finland was third in the ranking, with 14.97, then Denmark – with 14.12, Taiwan – with 13.84, Belgium – with 12.8, Norway – 12.65. Ireland – with 11.58, Austria – 11.58, France – with 11.05, Netherlands – with 10.34 (OECD, 2021).

When we compare these data, we can observe the same countries. So we can conclude that the higher level of rule of law is, the greater the legal culture and level of academic integrity. Compliance with the rule of law enhances certainty, predictability and security, both among individuals and between citizens and government, as well as restricting governmental discretion, restricts the abuse of power (Sionaidh Douglas-Scott, 2017).

For confirmation of our views in Europe issue was conducted on the impact of plagiarism in high education across Europe. This project is based on the nine categories: transparency in academic integrity and quality assurance; fair, effective and consistent policies for handling plagiarism and academic dishonesty; the standard range of standard sanctions for plagiarism and academic dishonesty; use of digital tools and language repositories; preventative strategies and measures; communication about policies and procedures; knowledge and understanding about academic integrity; training provision for students and teachers; research and innovation in academic integrity. The results of this project have demonstrated that the top positions in the ranking were held by the same countries that occur in Rule of law Index 2020,

the Legatum Prosperity Index 2020, the Index Universitas²¹, namely United Kingdom, Austria, Sweden, Malta, Ireland, Cyprus, Finland, Netherlands, Czech Republic, Denmark, Estonia, Belgium (Glendinning, 2013).

So, what are the implications of all of this? In sum, we argue that the implementation of academic integrity is based on the implementation of the principle of rule of law, the level of culture in education and is shaped by the legal culture. In this regard, academic integrity much depends on the legal culture of the country.

Legal Culture and its Impact on the Implementation the Academic Integrity

To begin with, the concept of legal culture has long been a subject of debate in socio-legal researches, is widely used to provide a context for the comparative legal research (Gibson, Caldeira 1996), and therefore has many interpretations, but all of them, one way or another, focus on how society perceives the law and how law perceives society (Febbrajo, 2018).

Legal culture is one of the factors of legal regulation, a prerequisite for the spiritual development of humans and society in general, the social form of consolidation and reproduction the totality of legal knowledge, legal values (Friedman, 1969; Gibson & Caldeira, 1996), principles, legal activities, legal customs, attitudes and behaviour (Nelken, 2004). Legal culture is defined as the degree of a human's legal development, the nature of the legal activity and practice, the level of knowledge of legal norms by the subject and the possibility of objectively evaluating and forecasting the further development of the legal system, the nature of participation in the transformation of legal reality, the level of its legal activity.

The legal culture fixes the achievements of society in the sphere of legal theory and practice, reveals the role of legal ideals and values in the life of society and the real achievements of the State in the field of protection of human rights and freedoms.

Legal culture is closely linked to the legal system of the State. If the legal framework is functioning in conditions of legality, freedom, social justice and respect for the law and rights, the level of legal awareness of citizens in such a state is high, which is reflected in respect for the law and legal knowledge, traditions and the need to act by the law, in facilitating the legal activity of citizens, officials and legislators, officials and others by legal precepts and beliefs. Legal culture demonstrates the accordance with the demands of justice and freedom, the quality of the legislation, the participation of citizens in the management of the State, the level of legal literacy and legal awareness of officials of internal affairs agencies, the level of law-making and law-enforcement culture, the level of legal awareness among citizens, availability knowledge of laws.

Of course, the process of formation of legal culture among the population is rather complex and multifaceted, as it affects the relationship between society and the State and has its characteristics.

The model of legal culture is produced in each country. In the legal culture of each country, the principles of the legal conduct of the individual and the system of legal values, ideals and legal norms ensuring unity and interaction of legal institutions and organizations in society are defined. Therefore, legal culture is a reflection of the right in a culture that provides for the preservation of spiritual values in law, their acquisition by future generations and the constant improvement of the level of legal awareness among the population. Legal culture may manifest itself at different levels, for instance as supranational legal culture, national legal culture or subnational culture – at regional or local levels within a country (Grødel & Miller, 2015). In the EU, for example, there is no monopoly on legal culture (Wieacker & Bodenheimer, 1990), there is European legal pluralism, where EU member countries not only have distinct legal cultures, but they also differ on several dimensions of relevance to legal culture (Grødeland & Miller, 2015).

In our views, nowadays universities and other higher education institutions play a central role in the development of the legal culture of society at every level – global, regional, national and local (The Bucharest Declaration, 2004).

Academic integrity in the modern civilized world is an integral part of legal culture, plays an extremely important role in the scientific world, in the scientific community, among teachers and students. Education through learning and science through research lay the foundation of academic integrity, which is designed to promote intellectual dignity and respect for the diversity of opinions and ideas, thereby fulfilling its social mission.

Academic integrity as a social phenomenon is a moral and ethical category that reflects the system of values, traditions and moral and ethical norms of behaviour that operate in a research institution or educational institution.

The term “academic integrity” is rather complex because it covers the general academic culture of the institution of higher education, the internal culture of the person, the spiritual culture.

The burgeoning interest in academic integrity has arisen through global informatization, the development of digital technologies in the world, which has led to the facilitation of the use and dissemination of information and unfair borrowing, appropriation and use of others' ideas and thoughts.

Academic integrity determines the standards of educational and scientific activities generally accepted by the worldwide community, creates an environment of zero tolerance for violations of the rights, ethics of academic relationships.

Academic integrity enhances the full development of the personality, the strengthening of knowledge and skills, the establishment of credibility, the creation of a favourable image, the realization of self-worth and own significance, setting of the priorities straight, the improvement of the own effectiveness.

Academic integrity problems are a problem for each country, but the factors influencing this vary considerably between countries, between different regions, also depending on cultural values. An understanding of the nature of origins of internal and external factors that because academic dishonesty provides an opportunity to develop and implement effective policies to ensure academic integrity at both the national and international levels. For example, a poor civic culture (García-Villegas et al., 2016), lack of information culture and basic skills for correct information management, lack of awareness, ignorance of the law, lack of time or reluctance to pay sufficient attention for research, seek personal benefit lead to academic dishonesty. Moreover, also moral norms, that concentrated in religion, affect the culture of a people or continent, influence an individual's attitudes, views, decisions, and ultimately behaviours (Nelson et al., 2017). In particular, Christianity, Islam and Buddhism have various influences on the formation of legal awareness, because spiritual, moral values and ideals are formed in individuals through the prism of religion.

Cultural differences in the perception of academic integrity can be observed around the world. Scientists have proven the connection between cultural values and academic integrity. Akbar and Picard, for example, have demonstrated that the religion of Islam and Muslim culture affordances for promoting a culture of academic integrity (Akbar & Picard, 2020). In China Confucian utilitarian worldview teaches people that the ends justify the means, that nothing is absolute and thus absolute boundaries between right and wrong do not exist, so misconduct can be justified so long as it fulfils one's needs (Jian, Marion & Wang, 2019). Khawlah Ahmed has summarized the scholarly writings and has proved that academic ethics is irrelevant to the values of countries that follow Confucianism, Buddhism or Hinduism (Ahmed, 2020). This is related to that in these countries the act of quoting, citing and rote learning is encouraged and making changes in the original text or work may be seen as a form of disrespect and offensive, using someone's exact words is considered as a way of honouring, respecting, and showing reverence to the author of the original text, or whether, there is no such thing as an original idea or an original thought (Ahmed, 2020; Hall, 2004; Hayes & Introna, 2005).

Although we suggest that in many cases scientists do not take into account cultural adaptability, the ability of people of other nationalities and religions rapid learning and conforming to the cultural norms of the country in which they are located.

The attitude to the problem of academic dishonesty among teachers, educators, scientists strongly depends not only on the individual but also on ethical principles and values in society and the state as a whole. In Ukraine, for example, a project “Academic Integrity and Quality Initiative – Academic IQ” has been implemented to unite the professional community to share experience and cooperate to institutionalize the principles of academic integrity in the 60 higher educational institutions by the American Councils for International Education with the assistance of the US Embassy in Ukraine (Department of Press, Education and Culture), the Ministry of Education and Science of Ukraine and the National Agency for Quality Assurance in Higher Education (SAIUP, 2021). However, there are 281 higher educational institutions (State Statistics Service of Ukraine, 2021), so in 221 higher education institutions, this experience to institutionalize the principles of academic integrity is not applied. As a result of that according to the annual report of the National Agency for Quality Assurance in Higher Education of Ukraine for 2020 in 2020 academic dishonesty continued to be associated mainly with plagiarism (The National Agency for Higher Education Quality Assurance, 2020). This situation highlights the poor legal culture that led to the crisis of academic integrity in Ukraine. This is confirmed by the ratings, we have discussed above, in particular: Ukraine is ranked 72nd in the Rule of Law Index 2020, 38 in the Legatum Prosperity Index 2020 and 36 in the University Index 21 (World Justice Project, 2020; The Legatum Institute, 2020; Williams and Leahy, 2020).

The most common factors contributing to this are: 1) general social crisis characterized by tolerance of legal nihilism, corruption, numerous violations of the law and ethical standards; 2) detachment of higher education and science from the world scientific and educational community, the needs of society, the economy and the labour market. Orientation of higher education on quantitative indicators («shaft»), papers, diplomas, etc., rather than on quality, competitiveness, the utility for society, etc; 3) problems of legislation; 4) inconsistency between the requirements for higher education institutions, scientific and pedagogical workers and applicants for education, and the financing and other resources for higher education and science; 5) lack of statutory requirements and established procedures for the evaluation of scientific and educational works for academic plagiarism, fabrication, falsification and other violations of academic virtue; 6) the internal demotivation of teachers and scientists to observe the principles of academic integrity in conditions of low wages, lack of the necessary material resources for qualitative research, quality external evaluation and external query for the results to be completed; 7) the introduction of new technologies makes it much easier to copy the work of others, replacing the results of experimental and empirical research with computer simulations and plausible estimates, Editing of graphic, video and audio materials thinly; 8) practice of imitation and falsification of scientific research on individual sciences in the times of the USSR, which has spread in recent decades from to date for ignoring generally accepted standards of research quality and significantly increasing the share of research in relevant areas (The Ministry of Education and Science of Ukraine, 2018).

Legal Culture as Ensuring the Level of Respect for Academic Integrity

Honesty, trust, fairness, respect, responsibility, and courage are fundamental values of academic integrity. Promoting these values, especially in the last three decades, has become the cornerstone of all institutions involved in education and research (The Bucharest Declaration, 2004).

The implementation of those values requires a change in higher education and science, with approaches to learning and teaching, the affirmation of integrity and ethical values in the educational process and scientific activities. Only the adoption of these principles can provide a

basis for a positive change in public awareness and an important step towards the systematic introduction of high standards of educational and scientific activity.

Each country is trying to apply good practices of academic integrity. The values and standards of academic integrity provide the foundation for knowledge development, quality education, and the training of students as responsible citizens and professionals research (The Bucharest Declaration, 2004). Throughout higher education, academic integrity must be promoted and re-asserted through international and national initiatives, and institutional policy and practice (Morris, 2018). Furthermore, the state also should promote the formation and implementation of academic integrity as part of its legal culture.

The EU has adopted several documents aimed at developing the good practice of academic integrity in member countries, like the European Charter for Researchers and the European Code of Conduct for Research Integrity. In the European Charter for Researchers, there is a section "ethical principles" that defines ethical principles for researchers that "should adhere to the recognised ethical practices and fundamental ethical principles appropriate to their discipline(s) as well as to ethical standards as documented in the different national, sectoral or institutional Codes of Ethics» (European Commission, 2005a). The European Code of Conduct for Research Integrity provides for the creation of basic responsibility of the scientific community to formulate the principles and virtues of scientific and scholarly research, to define its criteria for proper research behaviour, and to set its own house in order when scientific integrity is threatened (All European Academies, 2017). Such principles include the following:

- 1) reliability in ensuring the quality of research, reflected in the design, the methodology, the analysis and the use of resources;
- 2) honesty in developing, undertaking, reviewing, reporting and communicating research in a transparent, fair, full and unbiased way;
- 3) respect for colleagues, research participants, society, ecosystems, cultural heritage and the environment;
- 4) accountability for the research from idea to publication, for its management and organisation, for training, supervision and mentoring, and for its wider impacts (All European Academies, 2017).

The academic community must be committed to the promotion of academic integrity and strive actively for its embodiment in the everyday institutional life of its members (The Bucharest Declaration, 2004). Universities and teachers have a significant role in communicating, reinforcing, and enforcing the academic integrity values and policies of the institution (Claire A. Stiles & Grace Gair, 2010). A culture of ethical behaviour and academic integrity among faculty is essential to communicate academic integrity expectations to students and to develop an institutional vision and culture of academic integrity (International Center for Academic Integrity, 2021). Australian universities, for example, have developed policies that present their position on academic integrity, attempt to define different breaches of academic integrity, specify any educational actions to prevent breaches, and detail specific responses and their implementation (Bretag et al., 2011).

Academic integrity is a moral code, a code of ethics among schoolchildren, students, teachers, scientists. The Code of Academic Integrity can be an honour code, a document that nurtures and refines moral behaviour in both social and academic settings (Gabbay, 1999). The Code of Academic Integrity should define the standards generally accepted by the world community for the implementation of educational and scientific activities by applicants for higher education, as well as employees of higher education institutions in compliance with basic moral and legal norms of academic behaviour. The Code can ensure compliance with the principle of "zero tolerance" for violations of academic integrity and ethics in academic relationships.

The Code of Academic Integrity, like any other instrument of academic integrity, cannot guarantee the resolution of all problems related to unethical behaviour in education. However, it is the ethical codes of behaviour and the observance of academic integrity that are designed to bring together unwritten rules and norms of conduct to raise awareness in the academic community and to standardize the procedures for dealing with various academic violations.

Along with that, academic integrity is more than a code of honour or university rules, it is a step towards forming a culture of academic integrity, creating an environment conducive to academic integrity and in this context the development of legal culture.

Although there is no "one-size-fits-all" formula for establishing climates of integrity, taking several steps can maximize the chances of success. Development of legal culture in society and culture of academic integrity at the institutions should begin with a development of an academic integrity policy, with a statement informing all members of the institution why the institution values academic integrity and condemns academic dishonesty (Whitley & Keith-Spiegel, 2001). This academic integrity policy should include: educating all members of the community about academic integrity standards, regularly assess the perceptions of integrity, establishing on-campus partnerships and collaborations to help create positive pedagogical environments and promote integrity in the room, developing and publicizing clear, fair, academic integrity policies, procedures and statements, promoting the positive aspects of academic integrity amongst all segments of the campus community (International Center for Academic Integrity, 2021). But the policy of each institution needs to consider and prioritize its strategies and tactics based on its current situation and desire future (Atkinson, Nau & Symons, 2016).

CONCLUSION

In summary, this paper has dealt with a problem of academic integrity in terms of the legal culture of society and the state as a whole.

The analysis of databases as Rule of Law Index 2020, the Prosperity Index 2020, the Index Universitas21 have allowed us to prove that the implementation of academic integrity is based on the implementation of the principle of rule of law, the level of culture in education and is shaped by the legal culture.

Academic integrity in the modern civilized world is an integral part of legal culture, plays an extremely important role in the scientific world, in the scientific community, among teachers and students. Academic integrity problems are a problem for each country, but the factors influencing this vary considerably between countries, between different regions, also depending on cultural values. Academic integrity much depends on the legal culture of the country, but also depends on the ability of people of other nationalities and religions rapid learning and conforming to the cultural norms of the country in which they are located.

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