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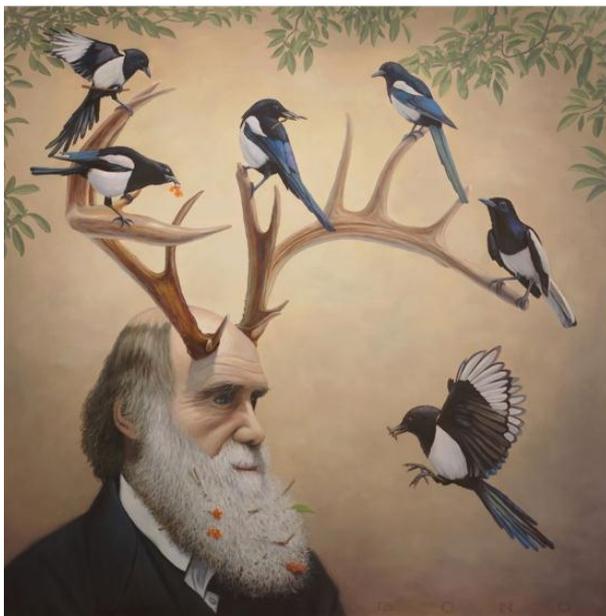
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The penalty for the phenomenon of the students' cheating in the exams

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Abstract

The aim of the study is to investigate the penalty for the phenomenon of the student's cheating in the exams via comparative qualitative research methods. As a result, the criminal confrontation with the taking educational and organizational measures before mentioned above is the best way to reduce the spread of the phenomenon of cheating in the exams. In conclusion, the student's cheat in the exam is harmful to the community, because the student after graduating may practice a profession and fail in it.

Keywords: Penalty, Criminal, Cheating, Exams, Students.

La sanción por el fenómeno del engaño de los alumnos en los exámenes

Resumen

El objetivo del estudio es investigar la penalización por el fenómeno de la trampa del estudiante en los exámenes a través de métodos comparativos de investigación cualitativa. Como resultado, la confrontación criminal con la toma de medidas educativas y organizativas antes mencionadas es la mejor manera de reducir la propagación del fenómeno de la trampa en los exámenes. En conclusión, el truco del alumno en el examen es perjudicial para la comunidad, ya que el alumno después de graduarse puede ejercer una profesión y no cumplirla.

Palabras clave: Penalización, Penal, Trampas, Exámenes, Alumnos.

1. INTRODUCTION

Cheating is defined as any intentional deviant behavior intended to falsify reality, to achieve illegal gains, whether material or moral. The phenomenon of cheating should be halted and call for a comprehensive approach, rational and scientific away from emotional or choose a policy of dealing. It has been exposed to in all religions and intellectual and philosophical trends and ideologies according to their visions and directions, which have unanimously condemned and their promise is influential in the public life of individuals and their destruction of societies. Furthermore, it is a manifestation of the negative aspects and disgraceful behavior (MUSTAFA & OSMAN, 2002).

The responsibility of education in a contemporary society is to prepare the generations for a changing world, to develop philosophies, to show their roles in society, and to prepare all human beings for the right to be cared for first, who is entitled to monitor for the establishment of the necessary efforts and funds, to grow and follow the correct ways and gives the maximum and practice the student's behavior of cheating in the exams is a manifestation of the lack of sense of responsibility, but the failure of the process of assessment and spoiling the results of the test, and therefore failure to achieve the objectives of education.

The problem lies in the fact that the phenomenon of cheating in the exams is a social phenomenon that is widely spread in the

academic stages, especially in Iraq, and has often changed from individual to collective, with the help of some other people. Was the Iraqi legislator able to put deterrent penalties to curb this phenomenon? Is the fact that a student is cheating properly adapted by the judge? Is the executive authority (represented by the ministries of education, higher education and scientific research) able to develop mechanisms to combat this phenomenon? Does society have a role in spreading this phenomenon? Is the technological development a motive to facilitate cheating by the student? These questions and others are required to be answered through this research, without going into depth (SHUKRI & ABDULAZIZ, 1988).

The main reason for our choice (criminal penalties for the phenomenon of cheating the student in the exams) is the title of our research, as this phenomenon has become widespread in the academic stages (from primary to postgraduate level), in addition to the suffering of the community as well. The research is divided into two requirements, the first is devoted to the educational and organizational confrontation of the phenomenon of cheating in the examinations; the second demand is devoted to the criminal confrontation of the phenomenon of cheating in the exams. It is concluded by reaching the most important conclusions and recommendations that are concluded in the research (SA'AD, 2004).

The methods of cheating have varied, as they are no longer limited to the use of minimized scrap of papers or sneaking answers from students. The new technology has become more effective in

facilitating their spread among students, who are no longer concerned with the threat and intimidation of the Ministries of Education and Higher Education, which seem unable to find solutions facing the expansion of this phenomenon. In order to put an end to this phenomenon and to confront it properly, it is required that the adoption of some educational and organizational measures should be taken into account, in which the efforts of all parties, starting with the family and the teachers, will be resolved to solve the dilemma that is exhausting society as a result of the spread of this phenomenon. So it can be divided into two sections; the first is devoted to the educational procedures and the second is devoted to the regulatory procedures according to the following:

1.1. Educational procedures

In this section, some of the educational and organizational measures to reduce the phenomenon of a cheating student in the exams will be shown, including:

A - Educating students, parents and teachers all of the importance of educational examinations and their role in the assessment of the level of study and knowledge of the strengths and weaknesses and acquainting them about the seriousness of the phenomenon of cheating on the level of scientific and personal skill of learners;

B. Encourage students and familiarize them with the methodology and strategy of the review through continuous review of all lessons, with the aim of strengthening them with self-confidence and ensuring their constant readiness for the questions addressed to them;

C- Reliance on intellectual questions, avoiding traditional questions that rely on memorization of lessons, and training teachers on how to use the information gained to solve the dilemmas;

D - urging students to strive and creativity in finding the right answer and required according to the review of sources and information acquired in advance, and non-committing to the literal answer provided by the teacher;

E. Raise awareness of students about the rule of cheating and its violation, through the constant offering of the surrounding society to the students and expressing their resentment and contempt for this act by giving a special lecture by the school administration or the Deanship of the institute or college or the mosque's platforms or members of the house or the media;

F - urging students to complete their own work and control the difficulties that may hinder their work, the help is restricted to giving instructions and guidance on the methodology of work only;

G- Introduce an educational unit in the institute or college, working on spreading educational and educational awareness, and mixing with the students to know their problems and provide the necessary solutions for them (JABER, 1980).

1.2. Regulatory Action

These procedures lie in the following points:

A. Give a certain distance between the student and the one sitting with him during the examinations, to prevent any connection. For example, the exchange of examination papers, or talk to some students;

B. Urging observers in the exam halls to emphasize when they stand in the observation and not to use mobile phones and not talk to some and with students, and sit behind the student because it suggests the student inability to pay attention to the left or right (Farouk, 1988);

C. Not to tolerate those who are lenient or collide in cheating;

D. Organizing the examination halls well, by sitting student according to the name or number, and recruiting all parties to give them more credibility for the exam;

E. Accuracy in issuing special IDs for the examiner, and it shall be difficult to falsify and be checked by the director of the examination hall in person at the time of the examination;

F. Using short and central questions and answers via the Internet, so the computer program controls the answers and produces the results of the exam very quickly.

2. METHODOLOGY

The student's interest in the success of exams and neglect of education and benefit from the educational system has produced factors that distorted the sanctity of education, such factors is cheating in the exams, and the silence of most of the observers when they see cases of repeated cheating for fear of tribal persecution or the influence of some students and their affiliation to armed partisan groups that make them immune from any legal prosecution. The professor by virtue of the absence of the required protection or the real sanctions that must be carried out against the practitioners of cheating, is no longer paying significance to any cheating disclosure.

The professor is considering this behavior familiar in the chaos that paved the way for the outbreak the phenomena in the absence of firmness and rigor in the implementation of the strict legal act of the separation of students whose cases are detected cheating in the exams.

So, there is a prestige for the Ministries of Education and Higher Education and therefore for the general science.

Therefore, most of the legislation of the countries of the world is almost agreed to combat the phenomenon of cheating, which has become rampant, especially in the third world countries, including Arab countries, the fight against it requires the issuance of strict laws on anyone who commits this crime or start it, in view of the rampant phenomenon of cheating. Some Arab legislations criminalize cheating and impose criminal penalties on anyone who helps to cheat or leaks exam questions in a variety of ways or methods, either by hand or through electronic means. Among the recent legislation to impose criminal penalties on the person committing cheating is the Egyptian legislation, which refers to imposing a penalty of imprisonment or a fine on every person who contributes to cheating or leaking exam questions.

3. RESULT

As a result, the Moroccan Ministry of Education has approved criminal penalties of imprisonment and fines or one of them. It was also pointed out that the confiscation of tools and objects that were used or would have been used to commit cheating is a supplementary punishment. It goes saying that cheating is a kind of cheating and deception in exams for obtaining national certificates and diplomas. Cheating is a pervasive social behavior that threatens the educational

level of graduates of schools, institutes and universities. Because cheating is one of the prevalent phenomena in Iraqi society, especially in the field of forging educational certificates and at all stages, and using modern ways and methods used by students to cheat in exams.

That the Iraqi criminal lawmaker did not legislate any material that determines the spread of this dangerous phenomenon and is considered a serious crime and violates the honor and morals, as did his Egyptian and Moroccan counterparts, but also provided some instructions for the students who committed cheating by treating him flunk in the exam by instructions (18) for the year 1987, which stipulate that first, the student shall be considered flunk: A- If he cheats or tries to cheat in the exam, and the observer and the director of the center are satisfied.

The decision was issued by the dissolved Revolutionary Command Council, which provides for criminal penalties up to imprisonment for exam-makers or a member of examination committees. Students who commit cheating within the examination hall are subject to the provisions of the school regulations. Because of the spread of this phenomenon in large numbers of students and the spread of the modern information revolution and electronic technologies that facilitated the spread of the phenomenon of cheating, which threatens the educational level and higher education in Iraq, and brings it back. It does not need to go to the opposite side, but to follow the rest of the comparative legislation in the fight against the

phenomenon of cheating, which deconstructs the Iraqi society and demolishes its educational institutions.

It also does not need to adopt methods that are not necessary to reduce the rates of cheating, but increasing every year such method is the decision of the Iraqi Ministry of Communications by disconnecting internet services to avoid cheating during Baccalaureate examinations of the primary and secondary schools. It is proposed that our criminal legislator should enact a law that punishes the act of cheating by the student and regard it as a crime against honor to be a deterrent to anyone who thinks of committing cheating in the exam, and it is preferred to be written as follows: (punishable by imprisonment or a fine not less than one million dinars.

1. Whoever prints, publishes, broadcasts or promotes by any means, questions or answers of examinations related to different stages of education with the intention of cheating or disrupting the public order of the exam, whether the crime is committed inside or outside the examination hall. In all cases, the confiscation of the seized items shall be governed by the offense.

2- Any person who contributed by any means in the commission of such crimes and in all cases shall be sentenced to confiscate the seized items .

The criminal confrontation with the taking educational and organizational measures before mentioned above is the best way to reduce the spread of the phenomenon of cheating in the exams and to enjoy a socially conscious and advanced at all levels.

4. CONCLUSION

The study has come up with several conclusions and recommendations were drawn which we include as follows:

- 1- The student's cheat in the exam is harmful to the community, because the student after graduating may practice a profession and fail in it;
- 2- The habituate of idleness, laziness and rest, and thus find people who will negatively frustrate the community and dragged to the bottom, and they could be a burden on their families and the whole society;
- 3- Some countries have passed strict penal legislation on these students who commit cheating in the exams, in addition to the tightening of the penalty for those who help to commit the crime;

4- Despite the spread of cheating and became a phenomenon disintegrated in education, no judicial rulings related to the subject of research are noticed;

5- Upon the disclosure of this crime, it is decided to impose administrative penalties on the student and those who help him/her, without referring the case to the court;

1- The administration of the school and the science department for the institutes and colleges should follow the teacher in terms of its method and method of teaching, the clarity of the exam questions and its comprehensiveness of the prescribed material and its suitability for the student's abilities;

2- Modifying the method of giving the degree and evaluation of the student effort through the distributing the degree on various activities and not only on a written examination, such as daily preparation and writing reports and daily attendance. To take into consideration the special circumstances and conditions and to allow the exam to be postponed and re-exam those who failed;

3- Organizing the seating of students according to the names or numbers to give a distance between the student and the other and avoid sitting binary and convergent between the students under testing to prevent any form of connection;

- 4- Increase the number of observers in the exam hall with the need to understand the movements and behavior of each student to avoid the misgivings and charges of some of them;
- 5- Maximizing the administrative punishment for the student which would reach to separate him/her from the study for those who are confirmed cheating twice;
- 6- Considering the academic year of the student who is confirmed cheating in the exam as a failure year, and deprived of submission to postgraduate studies, and appointed in the sovereign positions in the state;
- 7- In terms of criminal law, we suggest that the Iraqi legislator enact a law to combat the cheat of students in exams and the following:
 - a- Definition of cheating: The purpose of cheating in the meaning of this law is to use illegal means to obtain correct answers that the student or student is transferring or trying to transfer without a right, which is a form of theft or counterfeiting;
 - b- Student: is the person who seeks science and seeks to obtain it;

- c- Exam: The means by which the student's ability to achieve scientific goals is assessed, and the ability of the teacher to master the teaching of the educational material;

- d- Education: Institutions affiliated to the Ministry of Education and the Ministry of Higher Education and Scientific Research, both governmental and private section.

The cases of cheating in the concept of this law are among the following acts:

1. Exchange information in writing or orally between the he-student or the she-student with the other inside the examination hall;

2. Possession or use by the male student or female student of electronic machines or means, regardless of their form, type, documents or manuscripts, which are not authorized within the examination hall;

3. Submission and use of a forged official document at the performance of the student or student for the exam;

4. Impersonating the male student or female student by another person to pass the exam;

5. Anyone who leaks, discloses, sells or circulates illegally and by any means, whether traditional or electronic, questions of final

exams or questions of general examinations within or outside the examination hall;

6. The manipulation of copybooks or papers used to answer questions of school examinations and public examinations or school records of their grades, such as changing the copybook envelopes, writing in them, withdrawing papers out of the copybook, adding papers to, amending the grades or replacing them.

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