

The challenge of differentiating between plagiarism and intertextuality in the legal sciences

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Abstract--- Intertextuality is a literary phenomenon that has significantly contributed to the literary works of writers, novelists, and poets. However, it has been subject to limited study in the legal field despite its prominent importance in legal discourses, especially with the development of legal methodology and the necessity of documenting scientific research with integrity. This serves as an indication of the presence of intertextuality in legal texts, particularly in the context of citation, marginalization, comparative studies, and the mutual influence between legal schools, as well as the importation and modeling of laws within the framework of the phenomenon of legal globalization. Intertextuality has become unavoidable, whether intentional or unintentional, in international, constitutional, legislative, or regulatory legal texts. Therefore, the study will attempt to differentiate between intertextuality, which is considered a scientific practice that cannot be renounced, and academic plagiarism, which is regarded as a practice that undermines scientific integrity.

Keywords--- Intertextuality scientific material, problematic, doctoral thesis.

Introduction

Reading and comprehending texts is a dynamic and participatory activity that is similar to changing the text. By applying our knowledge and comprehension of grammar, vocabulary, cultural background, and the language used in the text, we are able to derive meaning from it. Everyone shares part of this knowledge, but others are derived from our comprehension of the text and our cultural ties to the language. In order to make insightful claims and address the writings of their forebears, authors of new books rely on their familiarity with and study of existing literature. As a result, writing and reading are two sides of the same coin, allowing writers and readers to communicate.

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A text can be thought of as a collection of meanings and references, and a "text" is typically founded on a common body of intellectual and cultural knowledge. Likewise, it is impossible to deprive legal documents of their common cultural and intellectual diversity of references and meanings. Legal documents have the unique quality of referring to a wide range of texts, including literary, scientific, historical, political, economic, and cultural works, in addition to themselves. A thorough reading of a legal text requires familiarity with these texts and, more crucially, an awareness of their intertextuality.

The concepts of plagiarism and textual tampering arise in the context of the body of scientific study, the collective human legacy, and the simultaneous exchange of ideas. In academic writing, especially in the field of legal studies, these two separate but frequently confused ideas are present. Using someone else's words, concepts, or work without giving credit is known as plagiarism, and it is against academic integrity. Conversely, textual interference describes the existence of remnants of one text within another, whether in the form of ideas or formulations, either openly or implicitly..

The difference between intertextuality and plagiarism is important in legal studies. In legal studies, plagiarism can take many different forms, including paraphrasing a document without giving credit to the original author, presenting someone else's work as one's own, or copying legal texts verbatim from legal sources without properly citing them. With the growing popularity of interdisciplinary approaches to the study of legal phenomena, intertextuality has also emerged as a key field of study within legal studies to examine the social, economic, and cultural aspects of law and comprehend the formation of legal texts and practices.

1/ Textual interference's specificity in legal texts

It is common practice to use a word's etymology to ascertain a concept's original meaning. Concerning intertextuality While the root of the term intertextuality, which comes from the Latin "textere," refers to the quality of a text as a "weave," or "line," the Latin prefix "inter-" indicates the exchange of connections, interconnections, overlapping, and interweaving; as a result, the semantic meaning of the terms "network" and "intersection" is doubled. Thus, writing as an interaction arising from external and pre-existing expressions and the creation of a text from one or more earlier texts can be described as intertextuality. Beyond this preliminary evaluation, using etymology is similar to an imperfect and possibly fabricated reconstruction. Intertextuality, which has been acknowledged as an essential aspect of spoken communication, particularly tackles epistemological concerns. The growth of this wide-ranging field of study has resulted in a variety of interpretations, changes to nomenclature, and interdisciplinary convergence.¹

Julia Kristeva first used the French term "intertextualité" in 1969 to refer to the semantic plurality that permeates all textual systems, where "every text is an absorption and transformation of another text, every text as a structure is constructed of quotes." With the shift from the era of the readable to the era of the writable, as the adopted term puts it, the theory of intertextuality—"the theoretical interaction of a more general reaction to the romantic appreciation of the writer"—arose. This led to a new interpretation that significantly altered the habits of readers in general and interpreters in particular, insisting that the text be viewed as a fabric and that its fabric be studied in depth, away from superficiality.²

The idea of productivity lies at the core of intertextuality for both Kristeva and Barthes. Barthes argues that every text is "intertextual," productive, not just because it is made up of other texts that are absorbed, changed, reread, and interpreted, but also because it necessitates the reader to access meaning. The concept of intertextuality is based on interactivity and multiplicity rather than a straightforward relationship to the source text. As a result, the text is no longer regarded as a closed set that is meaningful in and of itself, but rather as an open text that is the result of interpretation and

subject to the reader's interpretation. Intertextuality in general: All texts are collections of texts that have been quoted, cited, and referred to, structured in a manner known as textual "depth."³

Five definitions of intertextuality can be classified:

- According to the most common usage, any (external) data whose presence, directly or indirectly, can be identified in the read text is called "intertextuality".
- In "The Unknown Intertextuality," Michel Riffaterre proposes a radical and comprehensive version. He calls intertextuality "the set of texts that we can compare with those we have before us."
- For Laurent Jenny, intertextuality refers instead to the host text insofar as it contains a certain number of diverse data: "the text that absorbs a multiplicity of texts while remaining centered in meaning."
- Michel Arrivé, in turn, vacillates between a more comprehensive version: a/ intertextuality: "the set of texts between which relations of intertextuality operate", and a specific version: b/ "the place of emergence of moral isotopia", where the term isotopia can be understood in both a formal and a semantic sense.
- Finally, in the eyes of some writers, intertextuality represents the space allocated through the encounter, within a given text, of different prior statements: intertextuality in this case becomes synonymous with interconnected texts.⁴

Intertextuality has always been a subject of narrow study in the legal field despite its prominent importance in analyzing legal translation and education. For a long time, the concept of intertextuality was considered a literary tool that significantly contributed to the literary works of writers, novelists, and poets. After a wealth of research documenting the presence of intertextuality in other fields in general and legal texts in particular, especially in light of citation, citation, comparative studies, the mutual influence between legal schools, and the importation and modeling of laws within the framework of the phenomenon of legal globalization, intertextuality has become inevitable, whether intentional or unintentional, in legislative and private legal texts. The concept of intertextuality has been expanded to include recurring legal terms and prominent grammatical features in legal discourses.

2/ The specificity of plagiarism in legal studies

The linguistic definition of plagiarism in its Latin form is (Plagiarism is derived from Plagiarus, meaning kidnapper or thief, and was then used to mean plagiarism, which is stealing the ideas, words, inventions, or writings of others.⁵

Technically speaking, plagiarism is regarded as the most offensive and pervasive phenomenon in literary and scientific circles. In order to maintain academic integrity, one must refer to the academic integrity that should be present in the researcher, sources, and the researcher's use of them in his research; attribute ideas and texts to their owners, no matter how small; and ensure that the ideas and opinions from which the researcher obtained his information are not distorted by referring to the sources from which the researcher obtained his information and ideas, with mention of the basic data and the complete list of sources and their owners. As a result, the researcher must refrain from any copyright violations and academic integrity violations, which include plagiarism, deception, misleading, and intellectual property rights violations.⁶

Plagiarism is the violation of the methodological foundations of documentation, and this occurs through: the lack of validity of documentation by deliberately omitting necessary information in the margin, mentioning the name of the author, the title of the work, the place of publication, the publishing house, the year or country of publication, or adopting the ideas and writings of some authors known for their inaccuracy, lack of scientific integrity, or bias; or using newspaper articles that lack objectivity, or writings that were published within the framework of propaganda and demagoguery; or

by misleading the reader by including references in the list of references that were not originally used in the research.⁷

Copy-pasting has grown so common in academic and scientific writing in the era of digitization that it is now easy to request a thesis or dissertation online. For many researchers, this is the fact; they only ask for work without taking part in it. The validity of academic degrees is being threatened by plagiarism. This phenomena modifies the fundamentals of scientific research and poses a major threat to the standard of education provided to pupils. It makes all researchers seem doubtful and encourages stagnation. As a result, the nation's political and economic future is in jeopardy, and corruption may become ingrained; students graduate without gaining the necessary skills, which limits their ability to further scientific study.⁸

Since a researcher depends on the established foundations of documentation, one of the most crucial things a researcher can do is to document sources and references. The researcher may be suspected of violating academic integrity, plagiarizing other people's work, and infringing on intellectual property rights if they fail to document their scientific research because they will be claiming other people's ideas as their own. In accordance with the guidelines of sound methodology, researchers must have a recognized and accepted approach for recording sources and references. Although the techniques used in this documentation may differ, the general idea is that the researcher adheres to the methodology's frequently employed techniques and stays away from uncommon and abandoned approaches, which might be devoid of the fundamental data needed to verify and confirm the accuracy of the information that was transmitted.⁹

Because human and social research directly affects people in all of their psychological, mental, educational, and social facets, scientific integrity becomes even more crucial. The researcher's adherence to ethical issues ensures that dealing with human beings demands extra care, attention, and secrecy. Ethics is a norm that governs research procedures and is a human value. Furthermore, human phenomena frequently have an intangible, non-sensory component that is not observable or quantifiable, necessitating greater caution, precision, and integrity in their analysis and interpretation.¹⁰

Since it guarantees the validity of the results and conclusions drawn from scholarly investigation, academic integrity is a crucial value in all fields of study, including legal research. Academic integrity is essential to upholding the principles of objectivity, rigor, and transparency in legal research. Furthermore, preventing and dealing with plagiarism in the legal research community requires cultivating a culture of academic integrity. Following these guidelines will uphold the moral principles of legal study while also advancing our understanding of the subject.

3/ the distinction in legal studies between plagiarism and intersexuality.

Beyond scholarly and legal disputes, the problem of plagiarism and the intersexuality it involves must be comprehended. Without denying the unique aspects of its always evolving creativity, scientific construction with its moral dimensions is incorporated into an interpretive logic of trade within the framework of sociality. It is the essential requirement that makes the universal unreachable without it. Social existence is impossible without this first personal effort. In literature, the arts, and the sciences, creativity is a phenomena of individual self-awareness that awakens the communal consciousness that embraces it through individual constructive endeavor.¹¹

Plagiarism is etymologically defined as a word of Greek origin - πλάγιος - meaning "oblique," but it can also mean "secret" and "deception." From its origins, the meaning of academic theft has had an unavoidable moral connotation. The Latin reference to the word - plagiarus - indicates that it "acts on a free person by principle to sell or buy them as a slave." The moral character of the concept has gradually intensified to the extent that academic theft has become a crime, especially in our current era,

which witnesses recurring conflicts over copyright and legal trials and rulings. More commonly, academic theft is used in writing theses, articles, scientific documents, legal documents, and so on.¹² The idea that a text is a point of intricate interaction with the other texts that came before it, creating a textual system that is the field in which writing occurs, is known as intertextuality. The concept of intertextuality, which is frequently used to defend plagiarism, has no legal merit, even if it is normal for writers to include references to their surroundings and previous readings. "The owner of an intellectual work has an exclusive and irrevocable right of ownership over that work only once it has been created," according to intellectual property law. If a work is original, it will be protected. Originality is a reflection of the writer's sensibility and a translation of their own understanding of the topic they are writing about. It includes the decisions the writer makes in their writing that are not dictated by the topic.¹³

Originality is not the same as innovation or novelty in legal terms. Even if a work replicates a concept that has been studied hundreds of times, it will still be protected by copyright since, from a legal standpoint, a work might be original without being novel. Likewise, even if a piece of art is inspired by another one, it can still be original. This holds true for translations, modifications, adaptations, and so forth.^{14,15}

Finally, it is critical to recognize that plagiarism and intertextuality are two different ideas. While the latter involves presenting or duplicating someone else's work as one's own without their consent or acknowledgment, the former refers to the imaginative use of other authors' ideas and texts with appropriate attribution. Avoiding plagiarism and properly citing sources are crucial ways to uphold academic norms and copyright. Plagiarism can range in severity. Plagiarism can take many forms, some of which are more dangerous than others. For instance, it is typically regarded as more serious to reproduce a book in its whole without giving credit than to summarize a piece in part without providing citations.¹⁶

Conclusion

Knowledge builds up with time; scientific knowledge is like a house that has a level added on top of another, but the main difference is that the people living inside move to the upper floor. Although it may appear that science has reached a stable final opinion on a given topic at any given time, development quickly surpasses that opinion and replaces it with a new one. This "cumulativeness" characteristic reveals an essential property of scientific truth, which is that it is relative...^{17,18}

More specifically and explicitly, cumulative research refers to the new information that is added as the researcher builds on the findings of earlier researchers, fixes their errors, completes their stages, and enhances them. It might offer fresh scientific insights or refute decades' worth of information, hypothesis, or knowledge. Additionally, scientific study can address and examine a variety of issues and occurrences...^{19,20}

Legal researchers are required to cite their sources before citing them. Since legal studies constitute both an addition to and a culmination of earlier research, the phenomenon of intertextuality is unavoidable given the researchers' collective knowledge accumulations and the unity of the reference texts being studied. In the context of a break with prior knowledge, a sound legal study cannot be established. The ability of a legal researcher to do research is predicated on the concept of intertextuality, particularly since conducting methodologically sound research invariably requires citing and referencing the works of others.

In essence, scientific plagiarism is a type of intertextuality, which is defined as the existence of remnants of an earlier text in a more recent one. The issue here, though, is that the new text lacks originality and ingenuity. The more copying and pasting that is done, the more scientific integrity is compromised.

Thus, even while intertextuality is inevitable, not all of its manifestations can be tolerated, particularly when they amount to scientific theft, which carries disciplinary, criminal, and civil penalties.

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