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# Preserving Spiritual Rights through Halal Certification for MSME Products: Voluntary vs. Mandatory

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Article Info	Abstract
Received:10-10-2023	Halal certification of products is a manifestation of legal protection
Revised: 01-11-2023	for Muslim consumers related to efforts to safeguard their
Accepted: 15-12-2023	spirituality. As a predominantly Muslim country, Indonesia is
17 1	expected to protect its citizens by fulfilling their fundamental rights.
Keywords:	Furthermore, the state strives to develop the domestic halal food
Spiritual Rights;	industry to promote its growth. Following the enactment of Law
Obligation; Halal Certification;	Number 33 of 2014 concerning Halal Products Assurance, every
MSME Products.	business entity that sells essential goods utilized by the public is required to have halal certificate and label, including micro, small, and medium enterprises (MSME). This normative legal or doctrinal research is a qualitative examination that analyzes legal materials related to the protection of spiritual rights through halal
	certification. The results show the role of the government in
	ensuring the safety, comfort, and smoothness of Muslim consumers
	in practicing their religious teachings. Obligation imposed on every
	business entity to obtain certification creates legal protection for
	users of these products. Certification registration by business entities, including MSME, provides legal certainty for the protection
	of consumers' spiritual rights.
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Info Artikel	Abstrak
Kata Kunci:	Sertifikasi halal produk merupakan wujud perlindungan hukum bagi
Kata Kunci: Hak Spiritual;	Sertifikasi halal produk merupakan wujud perlindungan hukum bagi konsumen Muslim terkait upaya menjaga spiritualitas mereka.
<b>Kata Kunci:</b> Hak Spiritual; Kewajiban;	Sertifikasi halal produk merupakan wujud perlindungan hukum bagi konsumen Muslim terkait upaya menjaga spiritualitas mereka. Sebagai negara dengan mayoritas penduduk Muslim, Indonesia diharapkan melindungi warganya dengan memenuhi hak-hak dasar mereka. Selain itu, negara berupaya mengembangkan industri
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usaha untuk memperoleh sertifikasi menciptakan perlindungan hukum bagi pengguna produk tersebut. Pendaftaran sertifikasi oleh badan usaha, termasuk UMKM, memberikan kepastian hukum untuk perlindungan hak spiritual konsumen.



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### **INTRODUCTION**

A crucial task for the government is to ensure the distribution of halal products by considering that Indonesia is a country with a majority Muslim population (Nur 2021). Halal refers to anything permissible nd allowed in Islam, free from restrictions (Rikwan Manik and Zuhirsyan 2022). The large Muslim population in the country creates a significant market for consumers (Charity 2017), hence halal status of products is a necessity (Mirsa 2020). Certification of products represents legal protection for consumers related to efforts to preserve their "spirituality" (Ariny & Nurhasanah, 2020). Every citizen has rights to legal protection, equal standing in the law, and a decent living standard (Moendoeng 2019). Therefore, consuming or using halal products according to religious beliefs to ensure the life quality is rights guaranteed by the state (Hasan 2015). The Consumer Protection Law Number 8 of 1999 stated that consumers have rights to obtain safe, high-quality, and halal goods and services. According to (Suparto et al. 2016), this rights is related to the protection from products that do not fulfill halal standards. Furthermore, (Fajaruddin 2018) stated that this status is part of consumer protection regulated by law. (Nasution, Syafitri, and Ganda 2022) linking products' status to human rights, showed the urgency for the government and related institutions to ensure that products circulating in the market fulfill clear halal standards (Harahap 2018). This can assist Muslim communities in practicing their religion freely and comfortably while protecting consumer rights related to information, health, and protection (A. Aziz, Prananingtyas, and Irawati 2019).

Currently, halal food sector presents a new opportunity to enhance the growth and economic development of the country (Salam and Maktum 2021). It is not only countries with a Muslim-majority population that contribute to the development of halal industry but also those with Muslim-minority populations (Try Astuti and Ruqiah 2020). These countries with limited Muslims notice halal food sector as a promising opportunity for several reasons (Setyaningsih 2022), such as Thailand, New Zealand, South Korea, China, Australia, France, the United States, and Europe (Ramadhona et al. 2022). The growing Muslim population in these countries also stimulates the demand for halal consumption. Additionally, (Nasrullah 2015) suggested that halal food products have the potential to attract consumers from various religious and cultural backgrounds. This market share expands with the significant increase in the population. In addition, the expansion is seen as an opportunity for businesses to meet the demand for halal products (Nasrullah 2016). Countries that successfully develop this sector can build a reputation as producers of high-quality halal products (Ahyar and Abdullah 2020). With this reputation, the interest of global companies and investors can be attracted to invest in the food industry (Syarif 2019). The reputation strengthens the country's image as an attractive business destination and expands access to international markets.

Other opportunities are highlighted in research conducted by (Mutia, Ali, and Harori 2022), which shows an increasing consumer awareness of halal and products quality among Muslim and non-Muslim populations. According to (Yulia 2015), the demand for certified food products has expanded worldwide. Countries that can fulfill stringent standards and have a reliable certification system attract consumers to ensure consumed products adhere to Islamic principles (Chaikong and Mukarromah 2022). In the face of a vast potential market, countries have started to expand halal food sector to build a reputation as superior producers and respond to the increasing consumer awareness of halal and products quality (Zahrah and Fawaid 2019).

Fulfilling the need for halal living is a fundamental rights for every Muslim (Utami 2011). As a Muslim country, it is only natural for Indonesia to protect its citizens in fulfilling their fundamental rights (Mirsa 2020). Therefore, an active role of the state is required in regulating the economic system through regulations (Hidayati and Primadhany 2021). The Indonesian government also strives to develop halal industry (Salam 2022). One of the government's efforts is to ensure legal certainty regarding the quality and halal status of products, especially for food and beverages among the public (Mursidah and Fartini 2023). One of the measures is the enactment of Law Number 33 of 2014 concerning Halal Products Assurance, which mandates certification for all produced goods. Government Regulation Number 31 of 2019 concerning the Implementation of Law Number 33 of 2014 concerning Halal Products Assurance strengthens the previous regulation by

implementing halal certification (Priantina and Sapian 2023) through halal Products Assurance Agency (BPJPH) under the Ministry of Religious Affairs (Mohammad 2021).

The current products competition is highly competitive, posing a challenge for MSME (Yudianto and Nurpratama 2021). Intense competition for these products comes from domestic and foreign products (Yuliaty, Shafira, and Akbar 2020). To compete, MSME should not only rely on the market but also consider the level of legalized products quality, and this can be achieved through halal certification (Lubis and Izzah 2022). In reality, many MSME products on the market have halal labels without certification (Aziz, 2018). The applicable procedure for granting halal labels is based on the certificate issued by MUI (Indonesian Ulema Council) (Khanifa et al., 2020), and this can disadvantage consumers who are not well-versed (Faizal and Saly 2022). The issuance through labels and advertisements on MSME food products serves as a source of information for consumers (Qomaro 2023). Additionally, it can be used as a consideration for consumers to make choices and compare food products in terms of composition, net weight, and price before making a purchase decision (Harahap, 2018).

The industrial world is increasingly reliant on technology usage (L. Z. Nasution 2020). The development of food processing technology has made it difficult to ascertain halal nature of a material or products (Purwanto 2018). In areas of uncertainty, halal certification becomes the best solution to implement (Subhan 2020). Certification is crucial as part of the implementation of Halal Products Assurance to provide comfort, safety, security, and certainty of the availability of products for the community (Salam and Maktum 2021). In addition, this can also add value for businesses in producing and selling products (Astuti, 2020). The urgency increases with the application of science and technology in the rapidly developing industrial field (Apriani and Nuryakin 2022). This results in the critical points of products status no longer being simple and encompassing multiple aspects. Halal status of products must be ensured through certification, which adheres to the principle of traceability from upstream to downstream (Hapsari, Budi, and Gunawan 2022). Therefore, legal certainty of products can be achieved (Hasan, 2022).

Previous research has been conducted, such as (Muhamad 2020) identified challenges and opportunities in the implementation of mandatory halal certification. (Hasan 2014) examined the legal certainty of certification and labeling of food products, while (Ramlan and Nahrowi 2014) investigated the concept of the implementation of Islamic business ethics in protecting Muslim consumers. (Warto and Samsuri 2020) focused on its implications for halal products businesses, while (M. Aziz, Rofiq, and Ghofur 2019) investigated the regulations for implementing Halal Products Assurance from a statutory approach perspective. (Nasyi'ah 2018) also stated the violations of obligation to register halal certification and the imposition of sanctions. Meanwhile, (Faridah 2019) delved into the history, development, and implementation of halal certification in Indonesia. The unique aspect of this research is its focus on the urgency for MSMEs to obtain halal certification, not just because it is mandatory, but also to protect the spiritual rights of consumers. Theoretically, this research provides valuable references on halal certification in Indonesia. Practically, it aims to improve public understanding of the certification requirements for MSME products. The first part of the discussion examines regulations for MSME products to ensure legal certainty for consumers. The second part focuses on the obligations of MSMEs, and the third part explores the connection between spiritual rights and halal certification for MSME products.

### **RESEARCH METHOD**

The method used is normative legal or doctrinal research, which is an analysis of law conceptualized and developed based on doctrine (Disemadi 2022). Furthermore, it is a qualitative analysis, focusing on analyzing legal documents related to halal certification for MSME as a means of protecting consumers' spiritual rights. In this context, the research investigates the regulations and policies established by the government or relevant authorities. The aim is to evaluate the extent to which these regulations can ensure the protection of consumers' spiritual rights in obtaining products in line with their religious demands and beliefs. Through an in-depth analysis of these legal documents, this research is expected to understand the effectiveness and sufficiency of the legal protection available to consumers in the context of halal certification for MSME. The method used is the statutory and conceptual approach with secondary data obtained indirectly. The data collection technique employed is a literature review (Tan 2021). The collected data is investigated descriptively as a technique for analyzing secondary data. The secondary data in this examination are legal documents as a means of protecting consumers' spiritual rights. The primary legal materials are the 1945 Constitution of Indonesia, Law Number 8 of 1999 concerning Consumer Protection, and Law Number 33 of 2014 concerning Halal Products Assurance. The secondary legal material used is Government Regulation Number

31 of 2019 concerning the Implementation of halal Products Assurance Law, and the tertiary legal material consists of previous related findings.

### **RESULTS AND DISCUSSION**

# The Regulation of Halal Certification for MSME Products in Providing Legal Certainty for Consumers

The abundance of products circulating in society that are not guaranteed to be halal can raise doubts among consumers, particularly Muslim consumers striving to adhere to religious principles. Therefore, a regulatory framework for halal certification is essential to ensure that MSME products meet Islamic standards. This regulation protects Muslim consumers' rights by assuring compliance with their religious principles and promotes the development of halal-based MSMEs by granting recognition and broader market access. It plays a crucial role in maintaining trust in halal products and expanding the industry. With clear and standardized regulations, MSMEs can more easily fulfill halal requirements, improve product quality, and expand their market, ultimately benefiting Muslim consumers in selecting and consuming products aligned with their beliefs.

The Indonesian government has demonstrated its commitment to implementing halal certification for MSME. Furthermore, Law Number 33 of 2014 concerning Halal Products Assurance has been enacted. This law is the legal basis that regulates halal certification for all types of products from MSME. This shows the government's serious intention to ensure the case and the law is the main legal framework related to the field (Hidayah and Wardani 2020). Halal Products Law explains the procedures, obligation of producers, and the legal actions to be taken against violators. As mandated by halal Products Law, the government has established halal Products Assurance Agency as the institution responsible for overseeing and implementing the concept. The establishment shows the government's commitment to regulating and ensuring smooth implementation under the established standards (Hamidah 2022). Halal Certification Institution appointed by Halal Products Assurance Agency is responsible for conducting inspections and verifications of MSME products to ensure their status (Jati, Hubeis, and Suprayitno 2021).

Law Number 33 of 2014 concerning Halal Products Assurance serves as the legal basis to protect Muslim consumers and ensure the halal status of products. This law outlines the certification process, product supervision, and the obligations of producers and distributors to meet the requirements. It also details the institution's responsibilities, including auditing mechanisms, laboratory testing, and certification procedures. Sanctions for violations, such as written warnings and administrative fines, are included to promote compliance and maintain the integrity of halal products. In severe cases, law enforcement agencies are granted authority to take criminal action against serious violations like falsifying certificates or using counterfeit halal labels, ensuring consumer trust and product integrity. The law has been amended twice to adapt to changing needs. The first amendment, through Law Number 11 of 2020 concerning Job Creation, aimed to simplify the certification process, expedite services, and integrate product information systems. The second amendment, made through Government Regulation instead of Law Number 2 of 2022 concerning Job Creation, further addressed product supervision, administrative sanctions, procedures, and the issuance of electronic certificates. These amendments enhance the effectiveness, efficiency, and accountability of halal product assurance in Indonesia. The Halal Products Assurance Agency, established under Law Number 33 of 2014, holds the authority to issue certificates for products that meet the required standards. It is responsible for the certification and supervision of halal products, providing assurance to Muslim consumers about product compliance with recognized principles. Operating under the Ministry of Religious Affairs, the Agency regulates and oversees the Halal Certification Institution responsible for the certification process. By ensuring a rigorous and reliable certification process, these institutions protect Muslim consumers and promote the production of high-quality halal products in compliance with applicable regulations.

The government's response to consumer protection is through halal Products Assurance Agency, which has obligation stipulated in the applicable laws and regulations (Handyani and Wijiningsih 2023). This institution plays a role in ensuring certainty regarding products and can also improve the economy of the community by increasing the number of businesses or food sellers (Handyani and Wijiningsih 2023). According to Article 3 of halal Products Law, Halal Products Assurance provides ease, safety, and certainty of products to the public, as well as increases added value for businesses in production and sale (Naskhila and Toto Tohir Suriaatmaja 2023). As stated in Article 4 of halal Products Law, products that enter, circulate, and are traded in the Indonesian territory are required to possess halal certification. Therefore, it is an obligation for businesses, including MSME, to comply with these provisions when distributing and trading their products (Sari and Faniyah 2021). By imposing obligation for MSME to obtain halal certification, the government shows its commitment to protecting rights of Muslim consumers and ensuring the availability of trusted products (Sofyan 2015). This step also reduces doubts and uncertainties when purchasing products, hence, facilitating shopping practices in accordance with religious principles (Maksudi, Bahrudin, and Nasruddin 2023). In conclusion, the Indonesian government has shown its seriousness in addressing the issue of halal uncertainty by providing accessible certification for all segments of society (Hadad, Hasanudin, and Rahmatullah 2020), including MSME products manufacturers. This is conducted to ensure the protection of Muslim consumer rights and facilitate consumption practices in line with religious teachings (Azizah 2021).

The government has issued implementing regulations, namely Government Regulation Number 31 of 2019 concerning Halal Assurance System. This regulation serves as the implementation basis for Law Number 33 of 2014 concerning Halal Products Assurance. Furthermore, it provides detailed provisions on the procedures for certification, the duties and authorities of Halal Products Assurance Agency, and the establishment of MUI as an institution with a crucial role in determining products halalness (Lynarbi et al. 2020). Article 67, paragraph 1 of halal Products Law, states that "obligation for halal certification for products circulating and traded in the Indonesian territory as referred to in Article 4 shall apply five (5) years from the date this Law is enacted." The implemented gradually, considering the readiness of businesses and the infrastructure for implementing Halal Products Assurance, while considering essential products types, consumed extensively with high potential for non-halal status (Amalia and Mariani 2022).

The establishment of certification regulations is based on the analysis to provide legal certainty to Muslim consumers (Agus 2017), in obtaining halal products in line with their beliefs. These regulations protect consumers' rights to obtain clear and accurate information about the status of products (M. Nasution 2020). Additionally, another goal is to improve the quality and safety of food products and stimulate the growth and development of halal food industry (Rohim and Priyatno 2021).

The principle of legal certainty ensures that MSMS and consumers comply with the law and receive justice in consumer protection. Therefore, the state guarantees the existence of legal certainty, encompassing all legal efforts to empower consumers (Yakin 2018). The goal of legal certainty is to integrate and coordinate various interests that may collide with each other, allowing integrated laws to minimize such collisions (Pede 2022). The law protects individuals' interests by allocating power to act in their interests. This allocation is carried out systematically, particularly in the protection of consumers regarding the circulation of food products without halal labeling, ensuring that consumers do not hesitate or worry about the composition of food (Siregar 2023). In conclusion, halal Products Law provides legal certainty that the government has established regulations to be followed by business actors and the benefits to be obtained in consuming certified halal food products (Zain, Wiryani, and Hasanah 2021).

The regulatory framework for halal certification of MSME products is a concrete step to provide legal certainty. With this regulation, consumers can have confidence that products to be consumed adhere to the principles of Islam. The regulation also provides clear guidelines for MSME to fulfill halal requirements and improve products quality. Through this certification, the government actively strives to protect rights of Muslim consumers, strengthen halal industry, and create broader economic opportunities for MSME. Therefore, the regulatory framework for products certification provides crucial legal certainty for consumers and contributes to sustainable economic development.

#### Halal Certification for MSME Products: Voluntary vs. Mandatory

The certificate issued by MUI has not been fully effective in protecting Muslim consumers. Previously, the application carried out was voluntary according to the applicable regulations (Priantina and Sapian 2023). Awareness, especially among small and medium-sized enterprises, also remains limited (Marzuki, Faizi, and Mashuri 2022). This is different from large-scale businesses that tend to include their products in the certification process (Baihaki, Adawiah, and Hermawati 2022). For MSME, there are many processed food products without halal labels and rely only on the P-IRT (Household Food Industry) number issued by the Health Department (Maksudi et al. 2023). This applies to products sold in small shops, *warwngs*, and minimarkets. Consumers feel secure enough with the P-IRT label on food products packaging, as they believe it has been subjected to health testing processes. However, the P-IRT label does not guarantee halalness of products according to Islamic principles. Despite consumers feeling secure with the label, there is a pressing need to ensure products halalness. Certification conducted by MUI can assure consumers that products fulfills the standards in Islam (Tahliani 2023).

Halal certification has become mandatory requirement for MSME and is no longer voluntary. The existing regulations, such as halal Products Assurance Law and halal Assurance System Government Regulation, explicitly state that every producer or business operator who wants to market their products must be subjected to certification process. This is crucial for MSME as consumer awareness of the importance of selecting products is increasing. By obtaining certification, consumer trust, access to wider markets, and development of halal sector's economy can be enhanced (Dani Umbara and Faqih Supandi 2022). Additionally, this certification provides legal protection for business operators. Business operators without halal certification may face legal consequences stipulated in the law. Halal-certified products also have a competitive advantage (Qoni'ah 2022) and this brings peace of mind to producers and certainty to consumers (Rukovah and Ayu 2023). Therefore, business operators need to understand and fulfill their obligation for this certification to operate legally and instill trust in Muslim consumers (Oktafiyani and Pabulo 2023). Mandatory certification is expected to raise awareness and participation, positively impacting the protection of Muslim consumers' spiritual rights, the growth of MSME sector, and the establishment of a strong halal ecosystem.

The regulations stipulate that every producer or business operator intending to market their products to Muslim consumers must be subjected to halal certification processes (Malau and Svinarky 2020). The sanctions imposed on business operators without certification depend on the provisions outlined in the law. MSME that fail to fulfill their obligation as business operators, as stated in Article 25 of halal Law may face administrative sanctions such as written warnings, fines, or revocation of the certificate granted. Additionally, those that fail to fulfill their obligation in producing products from prohibited substances according to Article 26 of halal Law, may face administrative sanctions such as verbal and written warnings, as well as administrative fines. These sanctions protect rights of Muslim consumers to obtain products under the principles of Islam, as well as ensure integrity and trust in halal products industry (Nabila 2023).

In Indonesia, halal certification for products is not voluntary option but mandatory requirement. With the existence of halal Products Assurance Law and halal Products Assurance Agency, the government demonstrates its commitment and determination to oversee and regulate certification process. MSME are required to fulfill the established requirements through the institution (Mulyono and Hidayat 2022). This ensures the protection of Muslim consumers' rights, enhances trust in products, and promotes the

development of the related industry. Therefore, halal certification for products is an obligation that must be adhered to ensure products halalness and fulfill the increasing market demands for Muslim consumers.

### Protection of Spiritual Rights Through Halal Certification of MSME Products

Spiritual rights can be understood as an individual's rights to uphold and practice their religious or spiritual beliefs (Attamimi, Disemadi, and Santoso 2019; Disemadi and Ningsih 2020; Disemadi and Prananingtyas 2020; Sugiarto and Disemadi 2020). These rights encompass the freedom of religion and to fulfill individual spiritual needs (Setyowati, Purbasari, and Fauzan 2018; Spaltani 2019). Spirituality of Muslim consumers is influenced by Sharia principles in various aspects (Widyakto, Niati, and Prapti NSS 2021). These rights have a distinct concept that differs from previously known consumer rights terminology. As a new concept, rights essentially crystallize several existing concepts in society. The introduction can be understood as an effort to increase awareness of the important aspects surrounding consumers that have received limited attention. In reality, many people are unaware of the need for spiritual rights. For Muslim consumers, certainty about halalness of products is one concrete way to fulfill spiritual rights (Wahyuni 2018).

The protection of spiritual rights in Indonesia is governed by various legal frameworks, including Article 29 of the 1945 Constitution, which guarantees freedom of religion and worship. While the Indonesian Consumer Protection Law (Law No. 8 of 1999) doesn't explicitly mention spiritual rights in its main articles, these rights are implied in the law's explanations and general considerations, particularly the principle of balance in Article 2, which aims to provide equilibrium among the interests of consumers, business operators, and the government, both materially and spiritually. Although these explanations don't hold the same legal weight as the main articles, they guide enforcement agencies, consumer organizations, and courts in protecting spiritual rights. Sector-specific laws, such as the Halal Products Assurance Law, ensure that consumers, especially Muslims, receive clear information about product halalness, providing security, comfort, and compliance with religious teachings (M. Aziz et al. 2019). Thus, spiritual rights, particularly concerning product consumption in line with religious beliefs, are safeguarded through legal provisions and certification processes (Ariny & Nurhasanah, 2020).

Certification ensures that products are produced with halal ingredients and through processes consistent with religious principles (Warto and Samsuri 2020). This is one of the mechanisms that promote the protection of Muslim consumers' spiritual rights for MSME products (Santoso and Budiarti 2021). Consumers can uphold their spirituality by providing confidence to Muslim consumers that products have been subjected to a guaranteed process, such as the use of halal raw materials, appropriate production methods, and storage in accordance with Islamic principles (Ariny & Nurhasanah, 2020). Therefore, they can feel safe and confident that their spiritual rights are preserved when using products. This certification also helps MSME expands their market share, especially among Muslim consumers who specifically seek products in line with halal standards (Azizuddin and 'Ainulyaqin 2022).

Halal certification protects spiritual rights by ensuring the availability of products that align with the principles of Islam, providing confidence to Muslim consumers, and strengthening business reputation within the ecosystem. In the context of protecting consumer spiritual rights, it plays an important role for MSME products. Although not explicitly stated in the Consumer Protection Law, consumer spiritual rights can be accommodated through certification requirements. MSME products are also expected to fulfill the standards in line with the beliefs and principles of Muslim consumers' religion. Consumers can feel confident and protected when selecting products that align with their spiritual beliefs. Therefore, halal certification is an essential mechanism to ensure the protection of consumer spiritual rights.

### **CONCLUSIOB**

In conclusion, halalness of food was an essential requirement for Muslim consumers, and the government had the focus and responsibility to ensure the availability of products consistent with religious beliefs and convictions. Various countries with minority Muslim populations recognized halal food sector as a lucrative economic prospect. The sector's substantial market potential, coupled with its reputation for producing premium halal products, and the growing consumer consciousness regarding halalness, served as pivotal catalysts propelling its expansion and growth. The regulatory framework for halal certification provided legal certainty for consumers, strengthened the industry, and created economic opportunities. This certification was not only mandatory requirement but also played an important role in protecting spiritual rights of Muslim consumers. MSME products adhered to the principles of Islam, even though the concept was not explicitly stated in the Consumer Protection Law. Halal certification for MSME product hand a significant role in fulfilling consumer needs and ensuring the protection of spiritual rights. However, this study is limited by its focus on regulatory frameworks and market potentials without delving deeply into the practical challenges MSMEs face in obtaining halal certification.

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