

Pesantren as a Political Object Law era of President Joko Widodo

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Abstract: Pesantren as oldest education institution give more contribution to development of civilization in Indonesia. Pesantren can survive when Netherland came and brought modern education system. Even today pesantren have big potention in social, economic, and culture. This big potention make pesantren a prospective object of politic law for governance. This research try to explain how far pesantren be an object politic law and what impact for pesantren. The research use library research with law about pesantren as primary source, and previous research that analyze about pesantren. From some sources are found about 11 laws that advantageous to pesantren. But in the fact, critic about these laws bring anxiety to change original identity of pesantren that have survived for centuries. In this paper will inform the readers about pesantren and his position as object of politic law.

Keywords: Pesantren, Politic, Law, Object

INTRODUCTION

Pesantren as Indonesia's oldest pattern of religious education (Ulil, 2022: 78) have a trademark that no other institution can relate to. The most noticeable feature of pesantren is “*ngestoaken dawuh*” of the kiai. It means that whatever kiai tells us to do is an order to do by santri. It certainly doesn't abide by any rules. Because pesantren has guidelines that have been passed along well in the specific traditional literacy of the akhlaq discussion. One is the poem described in the book of “*ta'lim al muta'allim*” which means: truly teachers and doctors will not give advice unless glorified, then feel your illness if at the doctor and accept your foolishness if reverting to the teacher (Az Zarnuji, 2004: 28).

That teaching was rooted strongly in santri. Because they had confidence that one would make their science successful if it respected teachers and no rebellious ones are already teacher's orders. This makes pesantren like a small kingdom able to control its santri, include implanting doctrines from their teachers. It is often pesantren to be easy targets for governance to promote support in rules, power, economic capitals, and others.

Based on history, we learn that the war of Surabaya were fought on November 10th, 1945 by santri on the basis of the K. H. Hasyim Asy'ari jihad resolution order. The event illustrates to all of us that pesantren has great power to mobilize santri and fanatical society against the kiai. At present a force of this magnitude has shifted into the political object of government law. It cannot escape the great hope that can be born of pesantren.

Pesantren according to Zamakhsyari Dhofier come from the word santri with prefix pe- and suffi -an meaning santri residence. Whereas pondok came from the use an Arabic word, funduq, meaning dorm (Dhofier, 1982: 18). Further Dhofier explaining about the elements of pesantren to be met: mosque, Kiai, Santri, traditional literature, and dormitories. This was strengthened by the ministry of religion in the decision of the director general of Islamic Education Number 1626 year 2023 on the technical hint of pesantren's existence, that a pesantren may be registered is that it meets a pesantren elements (arkanul ma'had) made up kiai, santri settled, pondok or dormitories, mosque, as well as studies of the traditional literatures or dirasah Islamiyyah with education pattern of Mu'allimin.

Pesantren as an object of legal politics, when defined as a political policy of the law itself is a policy that determines what rules of law should apply to governing matters of public and state life (Syamsuddin, 2013: 9). Then pesantren as an object in political policy is essentially a setup for national living. The principles of enforcing the rule of law can be critically seen from legal products created by executives as state organizers, in this case president, vice president, and ministers. The president as the government holds a direct responsibility to the people in which it is represented by the parliament to assess and control the government. But in the era of President Joko Widodo the parliament became the coalition, so the role of the parliament as an institution that control government performance is weakened. It is undeniable that laws as policy are highly subjective.

In the days of President Joko Widodo's rule, he said, must go forth to pesantren especially in honor of its contribution to the independence of the Republic of Indonesia. Among them it was decided that October 22nd would be a national santri day, application of legislation number 18 year 2019, president rule number 82 year 2021. These privileges are considered a wonderful gift for pesantren. But what are the expectations of these special rules pesantren? Will these rules to bind and subdue pesantren of government, or indeed just a token of appreciation? The study will discuss what many citizens once thought to be traditional and marginalized educational models, both by governments and by the public, are now objects of interest to all.

The presence of a law on pesantren and other rules regarding pesantren is expected to be a stimulus for student longevity as an educational institution that participates in boosting children and making pesantren more qualified. Because in the midst of today's high

incidence of moral decadence in school-age children, pesantren is considered a fitting place to be able to teach religious lessons and practice morality. This is what is considered important to observe pesantren in order to compete with other educational institutions. These rules make two sides of a different blade. On the one side, as a fresh breeze through Pesantren in Indonesia and on the other, it is a concern that pesantren will not become independent and seem to be an accomplice of the government. If this really happens, pesantren will lose its respect as an institution of education that promotes the values of the brotherhood.

METHODS

The study uses library research with techniques to search data editing, organizing, and finding. In this case the authors search out literature sources that feel relevant to the study of pesantren as objects of political law. With government policies in 2014-2024 and other literature relating to the study of legal political objects as a primary source of data. And other literary sources were secondary. And once the data is collected, it will be analyzed using a deductive method.

RESULTS AND DISCUSSION

Politics of law is one youthful discipline of law compared with other law disciplines. This does not mean, however, that politics does not have a strategic position as a science that from the axigious side is able to unravel the mysteries of the law as well as previous legal disciplines (Santoso, 2021: 21). Politics itself is a blend of the science of law itself and of political science. This combination is necessary because they are all practical aids that can be used as approaches. It is therefore expected that the legal understanding of the law will be more thorough and intact, and that its legal product can be effective.

According to Mahfud MD in the introduction to Daniel S. Lev's book describes three skeletons of political and legal relationships (Mahfud in Daniel, 2013). First, das sollen's political and legal patterns. The pattern starts from premise that politics is the determinan over the law. This pattern places the laws (*ius constitutum*) as the basis for how politics ought to be run. In other words the existence of law predates political interests.

Second, views based on *das sein*. Premise this view recognizes that the law of political determination. It was a crystallization, formalization, or legalization of the opposing political will, either through compromise or dominance by a strong political force.

Third, *das sollen sein's* view. This view recognizes that law and politics do not dominate one another, whether legally or politic are two aspects that are not mutually oriented.

The view that law as a political product is the dominant view of legal political analysts. This view cannot be dismissed from the empirical aspect because in reality the aspects of political importance will always permeate the process of forming the law. Hence political interests would have always colored the process of law enforcement (Syahriza, 2019: 82).

Pesantren

Pesantren as Indonesia's oldest system of education testifies to its existence in the face of changing and developing times. Pesantren were in Indonesia long before the europeans arrived. At least many historians refer to Shaykh Maulana Malik Ibrahim as the author of the text pesantren in Indonesia. Pesantren in Indonesia are thought to date from about the 16th century as the Islamization of Hindu-Buddhist traditions (Rika, dkk., 2020: 32). In its development, during the Dutch occupation, pesantren became the center of resistance to the Netherlands. This does not excuse pesantren as centers of Islamic learning that give doctrine to followers. The influence of the figure became particularly chiseled in the doctrinal process among the pesantren. The fatwa delivered by the kiai was viewed as incarnate of the religious order because they believed that the kiai was *waratsatul anbiya'* or an heir of the prophets.

An islamic institution is, in a sense, a boarding house if it fulfills the following elements (Efendi, 123-129):

a. Dormitory

The dormitory refers to the place that santri used as his residence. It may have been a separate building as well as a few rooms specially provided for santri resting. Because pesantren system focuses more on the 24-hour model of education under the kiai's supervision.

b. Masjid / Mosque

In the early days of Islam, mosques were instituted as centers of worship, judicial centers, commerce, military centers, even health centers. (Rifa'I, 2016: 157) It is only natural that a mosque should be made one of the elements that should exist in pesantren. The mosque represents an opportunity to teach science as a means to worship Allah SWT.

c. Santri / Students

Santri is a special term used for students who study in pesantren. Usually the term santri is also applied to students who study religious science in other nonformal institutions, such as Al Qur'an Education Institutions (LPQ) and madrasah diniyyah.

d. Classic Literature Teaching

The classic culture referred to the work of clerical salaf in various scientific fans. The ancient scriptures were usually printed in bare Arabic script and in separate or commonly referred to as Koras (Arifin, 1993: 8-9).

e. Kiai / Leader of pesantren

It is a degree pinned by society to a person considered capable of religious science, behavior, and habits. So it cannot be pinned down to just anyone or even a title.

Pesantren as traditional educational models are often viewed as old-fashioned, underhanded educational models that the participating school board does not offer a bright future for its santri. But as the ages grow ever more and more without limit, the fact remains that pesantren are able to prove their existence. Evidenced by the growing number of pesantren down through the ages. Insight on the data of currently the Ministry of Religious pesantren totaled 41,559 boarding houses with a total of 3,143,555 santri (emis.kemenag.go.id). Surely in real this amount would be greater, given that there are still a lot of unregistered pesantren. Both out of reach, and sometimes there are still a lot of pesantren who hesitate to follow government records because they don't want to be involved in the internal affairs of pesantren.

With such a force, it would not be impossible for pesantren to be one of the driving factors of phenomena occurring in society. Because social change can happen because of elements that exist in society itself. Among the things that accelerate social change is the open stratification system. Open-air stratification paves the way for wider social motion in society (Nanang, 2011: 19). The existence of pesantren as a media of Islamization at the

beginning of the Islamization period in Indonesia, eliminating the caste system that made people enamored with Islam. Islam with its pesantren gives belief in a brighter future. Of course it's not just trust. Rather, it was the role of the kiai who had an expertise in religious science that made public confidence levels high. This is the social push that drives social change.

Seeing viewpoint of how kiai could mobilize people to jihad against colonists, seeing how the pesantren as a institution strengthened of religious structure in existence, and seeing current data with enormous potential, would certainly be an interesting thing for governments to take a quick look at mortgages. Pesantren are deemed capable of contributing to the nation. Not just in the sciences but also in economics and in the social sphere. In economy terms, pesantren can have a positive influence on pestering independence through santri empowerment. And in social terms it is expected to have a positive impact on people's change. In addition, it is expected that the media deliver government policies.

Pesantren as an object of political law

The existence of the pesantren in the midst of a current moderative current remains significant. Pesantren have an important contribution to brighten nation life. The institution of education is worthy of consideration in the process of building a nation of education, religion, and morals.

Historical reviewers, pesantren have an amazing experience of upbuilding, brightening, and developing communities. Even pesantren are able to improve their role independently by drawing out the potential of those around them. In addition, pesantren also have preeminence for intellectual, emotional, and spiritual intelligence (Zaini, 2015: 342).

It is with a variety of historical, social, and cognitive considerations that the pesantren is deemed a worthy object of a political decision that will certainly benefit the various parties. David Easton (Easton, 2009: 3) explained that political decisions can be viewed as a reaction to the political system for the needs of the environment. As in system theory, Easton states that a particular characteristic in political decisions is not independent of actors' involvement. This was due to the fact that the decision was made by rulers in the



political system, that is, the highest of the tribal elders, the executive members, the legislature, judicial, administrators, counselors, Kings, and the like.

During President Joko Widodo's leadership, pesantren became a very prospective object. Not only because of the aforementioned objectives, but also because of the support of the PKB and NU (Nadia, 2020: 14) as a representative of the society of pesantren. And in 2019 when President Joko Widodo flies with an old kiai K. H. Ma'ruf Amin. The influence of K.H. Ma'ruf Amin has been felt since before the presidential election was held in July 2019. According to the SMRC survey, Joko Widodo and K.H. Ma'ruf Amin first saw the increased electrification of January 2019 by 54.8% to 57.6% in March 2019. And the result of 2019 presidential elections, the influence of K.H. Ma'ruf Amin has generated a majority of pesantren votes, especially in Central and East Java.

During President Joko Widodo's leadership there are at least some policies addressed to the pesantren:

Table 1. President Joko Widodo concerns the pesantren

Num.	Policy	Year
1.	Strengthening National Santri Day	2015
2.	Launching Islamic Formal Education	2016
3.	Launching Micro Wakaf Bank	2017
4.	Launching LPDP Santri scholarship	2018
5.	Office training center in Pesantren	2019
6.	Regulation of Pesantren	2019
7.	Online learning aids	2020
8.	Pesantren operational aids	2020
9.	Social aids for pesantren's teacher	2020
10.	Sanitary Program	2020
11.	Economic Independence of Pesantren program	2021
12.	Pesanren digitisation aids	2021

a. Strengthening National Santri Day

Pesantren began to receive special attention from the government starting with the inauguration of a national santri day set up in the decision of the President of the Republic of Indonesia 2015 number 22. The inauguration of the day is set against the spirit of the santri nationalism (in this case the kiai) united with other freedom fighters to promote the independence of the Indonesian state. And its establishment on the 22nd of October was the historic date at which Hadhratus Sheikh Hashim Asy'ari, founding father Nahdlatul Ulama, issued a resolution of the jihad of the ulama. The jihad resolution was so phenomenal that it was adopted by santri class from various areas. On the basis of nationalism in santri it is the government's gift of national santri day.

b. Launching Islamic Formal Education

The policy of the current new and unprecedented formal education is the new unit on the Indonesia formal education map, which is established under the regulation of religious minister number 13 2014. The new policy and unprecedented policy was the launch of Islamic formal education (PDF). The PDF is designed to accommodate all santri living in pesantren gaining his right as citizens to the same positions as any other formal education. The PDF is a formal education initiated by the Ministry of Religions by not changing the features of pesantren with the national education curriculum with just 25% and the other is a typical islamic religious education curriculum. And the unique side of the regulation is that the graduates of this school are accredited with formal education and that their diplomas can be used for further formal education.

But in PDF alone provides a more or less complete range of education beginning at the *ula* (as level elementary school), *wustha* (as level junior high school), *ulya* (as level senior high school), and *ma'had 'aly* (college level) (Dudin, 2019: 202). So that those who did require a complete education with the mastery of the pesantren curriculum could be held only in a pesantren, without attending a formal education outside pesantren.

c. Launching Micro Wakaf Bank

In economics, pesantren are trusted to carry out Micro Wakaf Bank program with its legal standards under the ministry of cooperative and micro/small/medium enterprises whereas the legal status is the corporation of the services cooperative. His business license is under the supervision of the financial services authority with status as sharia micro finance institution (OJK, 2019). Where the program targets productive societal groups to provide

collective venture capital. Interestingly, the program is awarded to pesantren as both organizer and companion. Because in the financing model at Micro Wakaf Bank members are not only given venture capital, but also studies to strengthen their religious knowledge.

d. LPDP / state scholarship to santri program

A similarly interesting program is the perpetual pesantren fund that forms part of the perpetual national education fund under the Ministry of Finance of the Republic of Indonesia. These perpetual fund appear in the 82nd presidential decree of 2021. Where it can only be used for scholarships and research costs alone. This is certainly well received by pesantren community. Because of this program it is expected to improve the quality of pesantren through teacher and santri development. The perpetual fund of today's can be exploited by pesantren community, includes santri and ustadz in the form of the LPDP (state scholarship program) scholarship held by the Ministry of Religion and the Ministry of Finance. It has been sourced from the Ministry of Religion website of the Republic of Indonesia that the government is distributing 250 billion rupiah for the program (www.kemenag.go.id).

e. Pesantren office training center

Beyond that which has been mentioned above, the government's attention to pesantren is in human resources by erecting a work training hall in pesantren through the Ministry of Employment and Transmigration. The program is based on the 2017 Ministry of Labor of the Republic of Indonesia's number 8. In this program the government provides such specialties as mechanical, automotive, electric, buildings, commerce, agriculture, and so on (www.kelembagaan.kemnaker.go.id). This aims to form a competitive santri in the face of the work world. So pesantren are no longer viewed as unskilled and ill-informed. And development of human resources in Indonesia will also show a positive trend.

f. Regulation of pesantren

From the time that President Joko Widodo became President of the Republic of Indonesia in 2014, he has shown an interest for pesantren. Added to this in 2019 years has been the increase in attention to pesantren. At least the highest concern in President Joko Widodo – K. H. Ma'ruf Amin's leadership is his legislation number 18 of 2019 about pesantren. The law further reinforcing the position of pesantren on national view and provides high opportunity for pesantren to access government funding.

In juridical, in the formulating of these laws, pesantren is needed to more specifically govern the existence of religion-based education to create a law enforcement that conforms to state mandate and legislation that extends specifically to religious education. (Rolan, 2020: 200) The juridical aspect of this juridical is intended to keep its message as a specific object of the political product in accordance with previously approved laws, such as laws on national education systems. And another purpose of the application of this law is that improved education and quality of a santri or learner become more capable and competitive and secure and recognized in its power so as to fill and become a motor locomotive in various areas that can enhance personal, family, and national development.

g. Online learning aids and pesantren operational aids

The two aids were initiated by the ministry of religions as responsible domains of the ministry of religions. Both aid was featured in the report by the Inspector General of the Ministry of Religion dictum number 71 of 2020. Both were provided when the covid-19 outbreak occurred. The purpose of this aids is to ensure that the education of pesantren is not disrupted. And it has a very positive impact on pesantren in a time of economic downswing. Budget of the Ministry of Religions raised funds for this aids by 2,599 billion for the 21,173 pesantren (NU Online).

h. Social aids for Pesantren's teacher

In addition to the afore mentioned list of aid, governments also provide incentives to teachers/ustadz and leaders of pesantren through a cash outright social assistance scheme (BLT). In this case the Ministry of Religions coordinated with the Social Ministry for the integrated data of social welfare (www.news.schoolmedia.id). Finance minister, as sector leading on this whole policy says the purpose of this assistance is to aid economic reinforcement.

i. Sanitary Program

Not to be outdone by ministers who had previously helped to allocate their programs for pesantren, the Ministry of Public Works and People's Housing also launched a compact program of cash providing tools and sanitation infrastructure in pesantren (www.pu.go.id). This was intended to improve the quality of life of santri to get used to being clean with adequate sanitation.

j. Economic Independence of Pesantren program

In addition to the micro wakf bank that has a positive impact on people around pesantren, there is also a pesk-based independence program with the program of pesantren business incubation program. The program is running under the Ministry of Religious affairs of the Republic of Indonesia to encourage pesantren to develop their economic potential. Thus, it will be able to expand its other economic potential and also be independent in financing pesantren costs.

Since were launching from 2021, the total of pesantren receiving this aids has been growing. In 2021 these recipients of aids amount to 105 of the society. Then in 2022 504 institutions. And in 2023 the number of recipients of this aids is 1470 institutions. So if cut from 2021 to 2023 this aids recipients are 2079 institutions (Eko in news.schoolmedia.id, 2023).

k. Pesantren Digitasation program

During pandemic, government prices were high on pesantren. In 2020, the government also provided three-month online study aids of 211.7 billion targeted at 14,115 institutions at a nominal rate of 5 million each month. With the end of the pandemic, this aids continue for the purpose of helping pesantren to adapt to the demands of the age. In 2023 the Ministry of Religions provided 1080 laptops for 270 pesantren (Sania in compass.com, 2023). If you look at the amount, it's no match for the total number of pesantren. So it was subsequently rededicated in 2024.

D. Challenges facing pesantren

But with the prominence that this pesantren has acquired, it certainly raises new issues. The problems that arise are not in pesantren's potential to run those programs. But the administration process that requires pesantren to implement. Pesantren as traditional Islamic educations-growing from the bottom to the will of people of kiai, santri, and people around them, including the rural device, have an activity of learning, understanding, exploring, internalizing, and practicing Islamic teachings by emphasizing the importance of religious morals as a guide to daily living (Efendi, 2014: 5). Because the traditional system has emerged from below, the government has had long trouble organizing boarding schools as sub-ordinates.

Pesantren are still very limited in administration activities that conform to the standards expected by the government. Pesantren habitually receives only a receipt without being

drafted using an accounting report consistent with the standard accounting accounting rule (PSAK) number 45 on non-profit financial reporting (Solikhah, dkk., 2019). Limited in reporting of this type of thing requires an extra job in meeting reporting demands for the government. It is certainly not easy for pesantren to pursue the ability to administer these financial matters. Because programs provided by the majority of governments are funded that respond favorably to reports of finance.

In addition to limitations in the form of financial reporting, pesantren also face obstacles to the management of formal education systems, including those in the management of its own educational units, learning planning, learning processes, learning methods, and the santri assessment of the learning process. (Dudin, 2019: 215-217) of course, the solution of this matter is preparation for student body workers. This is obligatory because the term "formal" behind diniyah's education, which suggests a typical pesantren, should be able to follow the standards established by the government so that there will be no gap between education under pesantren and non pesantren.

Under the rule of the 2014 religious ministry number 13 on Islamic religious education, article 11 states that pesantren with at least 15 santri state are required to register their pesters with the office of the district/city Ministry of Religions. The rule is blurred when governments meet pesantren that are not in themselves in need of government because they are thought to be present and carry traditional customs without government interference. On the contrary, offers of help and other government programs are regarded as a government intervention in pesantren. This is a homework system, how to consolidate between pesantren, in this case represented by the kiai, with governments for a good continuity between the ulama' and umara'.

In the legislation of pesantren, it also states that the government will implement an insurance quality pesantren system of teaching, management, and curriculum. As already noted, the government is struggling to coordinate pesantren because the government is not believed to be in attendance among the society at the beginning. And since 2014 that the attention of pesantren was felt. It is still considered a government effort to intervene and other views that are even more extreme. Of course, each pesantren has its own signature and cannot be equally lamented regarding the curriculum and its standards. Older pesantren, do not need promotions and advertisers to attract public interest in pesantren.

The simplicity of the pesantren is sufficient to demonstrate that the curriculum used by the student is mature. Incomparably with young pesantren, they will do their best to offer the various programs that would otherwise attract people to study in their pesantren. So, too, the absence of scientiality in each pesantren would have been impossible. Just as marketers with more emphasis on the nahwu shorof sciences will have different methods, both in terms of modules, teaching methods, goals, development, as opposed with pesantren that paying attention to fikih science.

And the final problem with pesantren as a political object with pesantren's teachers incentive, operational pesantren aids, and others are worried about diminishing the flavor of pesantren's acceptance. According to pesantren community, they believe that acceptance is the key to unlocking *barakah* and the value of science. Acceptance is achieved through the *khidmah* path. *Khidmah* is thought to be more important than intellectual because they are convinced by this path they have an altruistic personality (Muhadjir & Zulfi, 2022: 90). This altruistic personality will change a santri's life. Because in this temple santri would be taught how to look at other things more substantial than finding any justification that would benefit him personally. This personality is the reason people choose pesantren to be the right place for education for their sons and daughters. Do not let government approval cause pesantren to spoil and lose its main feature.

With the challenges facing boarding schools there are certainly some possible solutions to offer:

1. Increased pesantren's human resources should be increased. Although some of these programs have already been implemented as in sanitation assistance and the incubation assistance of the boarding business where administrators are given technical guidance on budget management. But in some areas, as in formal diniyah education still remains a human resource weakness. This weakness can be seen from the lack of ability of both educators and education to conform to the standards set by governments. Therefore, teachers' education programs, or training, increase capacity in teaching and managing institutions.
2. Governments should use persuasive measures to use the power of people who also come from the pesantren's world, so that the government does not sub-ordinate pesantren.

3. There should be a continuing evaluation in order for pesantren to get organized. government dream making is also capable of realizing pesantren.

5. CONCLUSIONS

Indonesia's oldest institute of education was part of its society long before Indonesia was familiar with the modern system of education brought by the Netherlands. The history of pesantren is believed to have been established by the one Shaikh Maulana Malik Ibrahim, also the first guardian to preach in Indonesia. Because of its supposed position as a traditional institution of education, it is often viewed as an undercard to the public. Pesantren was primitive because it was too idealistic to maintain the high teachings of the Islamic religion.

But in its development, the boarding school proved its existence by its survival in the onslaught of the growing age. In fact, the Minister for Religious Services of the epublic of Indonesia has recorded a total of 41,559 pesantrens in Indonesia with a total of 3,143,555 santri. With this much potential, pesantren are certainly a promising political object of the law.

The role of kiai as the highest authority in pesantren, and also as a glorified figure in society proves capable of mobilizing time. The kiai figure determines the success of a pesantren. The greater pesantren, the better the ability to mobilize time. At least this is what follows the message back to ren in a position worthy of being accounted for by President Joko Widodo. The pesantren and the characters behind him become the great drivers of President Joko Widodo's victory in the 2014 presidential election. Then it's no wonder the attention of cheerleaders has grown since Joko Widodo's leadership.

But the advent of law products for pesantrens raises concerns for the world of pesantrens. Some of them are not yet ready to implement reports according to government standards, differences in perspective on what awaits customers from below and already existing from before government regulations, and the difficulty of government sub-ordinating pesantrens, the fear of government intervention in the world of pesantren, and the fear of loss of acceptance as a trademark of pesantrens.

It is hoped that the government will be able to persuade the world of pesantrens to advance Indonesia in cooperation. Hopefully, with a good collaboration, we will be able to correct the concerns of the world of pesantrens after pesantren laws have been passed.

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