



## Seeing Domestic Violence in Gorontalo from the Point of View of Criminology

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**Abstract:** The purpose of this study is to find out the factors that cause the emergence of domestic violence crimes in the Gorontalo porles hokum area and to find out the efforts of the police to minimize cases of domestic violence crimes in the jurisdiction of the Gorontalo police. The method used in the study is empirical research with qualitative data. Approach techniques carried out in this data collection include Literature Studies, Interviews, and Questionnaires. The results showed that the causal factors behind someone committing violence in the jurisdiction of the Gorontalo police, among them were infidelity, economic factors, patriarchal culture, drunkenness, and playing gambling. The role of polri in dealing with domestic violence is, among others: Preventively, polri is more inclined to mediate. And Repressively: The role of the National Police is repressive on its own by carrying out actions, including Investigation, investigation, and Protection. An update on this research is that the author relates the theory of Criminology and the theory of punishment in this topic of discussion.

**Keywords:** Criminology; Household Violence.

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## 1. Introduction

The Constitution as the highest law regulates the administration of the state based on democratic principles, and one of the functions of the constitution is to protect the human rights guaranteed in the constitution so that it becomes constitutional right of citizens.<sup>1</sup> Every other person, including the government, must heed it, by making laws based on natural rights themselves.<sup>2</sup> As Fenty Puluuawa said in his writing, the Government through the law has provided a starting point for the judiciary, which is to be done for justice based on the One True Godhead.<sup>3</sup>

The crime of Domestic Violence (KDRT) is certainly contrary to the commitments or obligations of the Government of Indonesia as stated in Law Number 23 of 2004 which reads:

"That every citizen has the right to a sense of security and freedom from all forms of violence under the philosophy of Pancasila and the 1945 Constitution of the Republic of Indonesia".<sup>4</sup>

The right to life must be protected by the state especially the country of law. That is why a good legal state upholds the fundamental rights of man. Human rights with the state of law are inseparable.<sup>5</sup> The violence that is often observed among the community is Domestic Violence Crime (KDRT) which is a milestone in Indonesia's history as a breakthrough for the Government of the Republic of Indonesia to eliminate all forms of violence that occur in the household as a realization of the ratification of the convention international on the elimination of discrimination against women in all fields.<sup>6</sup> Victims of domestic violence, mostly women, must receive protection from the state and society to avoid violence or violence, torture, or degrading treatment and dignity of humanity.<sup>7</sup> Domestic violence is not new but has always been kept secret or covered up by the family or by the victims themselves. In addition, community culture plays a role in this. Domestic violence contains something specific or specific. The specificity lies in the relationship between the perpetrator and the victim, namely the family relationship or work relationship. In addition, the locus delicti on domestic violence is more specific, namely in the house where the perpetrator and the victim live.<sup>8</sup>

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<sup>1</sup> Ahmad and Novendri M. Nggilu, "Denyut Nadi Amandemen Kelima UUD 1945 Melalui Pelibatan Mahkamah Konstitusi Sebagai Prinsip the Guardian of the Constitution," *Jurnal Konstitusi* 16, no. 4 (2020): 785, <https://doi.org/10.31078/jk1646>.

<sup>2</sup> Dolot Alhasni, "Determinasi Perlindungan Hukum Pemegang Hak Atas Neighboring Right " Determination of The Legal Protection of Right-Holders To," *Jambura Law Review* 2, no. 01 (2020): 65–82.

<sup>3</sup> Fenty Puluuawa dan Lusiana M. Tijouw, "Penerapan Asas Keadilan, Kepastian Hukum Dan Kemanfaatan Dalam Putusan Hakim Tindak Pidana Korupsi," *Gorontalo Law Review* 3, no. 2 (2020): 173.

<sup>4</sup>"Undang-Undang Nomor 23 Tahun 2004 " (2004).

<sup>5</sup>Lisnawaty Badu, "Euthanasia dan Hak Asasi Manusia," n.d.

<sup>6</sup>Moerti Hadiati Soeroso, *Kekerasan Dalam Rumah Tangga Dalam Perspektif Yuridis - Viktimologis*, ed. Tarmizi, Ed. 1, Cet (Jakarta: Sinar Grafika, 2011).

<sup>7</sup>Dian Ekawaty Ismail and Mohamad Taufiq Zulfikar Sarson, "Criminology Analysis of Women's as Perpetrators of Domestic Violence Crimes," 2021, <http://ejurnal.ung.ac.id/index.php/jalrev/>.

<sup>8</sup>Soeroso. "Kekerasan Dalam Rumah Tangga Dalam Perspektif Yuridis - Viktimologis".

Speaking of criminology is closely related to the person who commits the crime (the criminal himself), As to be able to understand and use the causes to do evil. In this regard, criminology is usually divided into three parts, namely criminal biology which investigates in the person himself the causes of his actions both physically and spiritually, criminal *sociology* which tries to find causes in the environment of society where the criminal is in his milieu, and criminal *police*, namely Actions that should be carried out so that others do not do so.<sup>9</sup>

The data obtained from the Gorontalo Police Department has become a case of domestic violence which will be described in the following table:

**Domestic violence case data 2019-2021 in the Kabupaten Gorontalo region**

| No | Year | Cases |
|----|------|-------|
| 1  | 2019 | 24    |
| 2  | 2020 | 34    |
| 3  | 2021 | 26    |

**Source: Gorontalo Regency Police<sup>10</sup>**

The table above shows many cases of domestic violence that occurred in the jurisdiction of the Gorontalo police, in 2020 there were 47 reports of domestic violence cases, and 34 cases were completed, while in 2021 the Gorontalo police received 32 reports and 26 cases were completed. In this study, prospective researchers emphasized the problem of the number of cases, the impact, and ways to minimize domestic violence. Violence in the Household will certainly lead to unwanted things, as reported by Gorontalo, mimoza.tv Divorce cases in Gorontalo Regency in 2020 according to data from the Limboto Religious Court with 690 cases. From that figure, the cause of divorce is dominated by Miras then followed by domestic violence Based on the background description above, the problem in the study can be formulated is to know what factors cause domestic violence in the Gorontalo police jurisdiction and how the role of the police to minimize and overcome domestic violence crimes in the Gorontalo police jurisdiction.

## 2. Method

The method used in the study is empirical research with qualitative data. This approach will produce descriptive data that is described by respondents in writing or orally.<sup>11</sup> In this empirical research method, researchers describe the results of an in-

<sup>9</sup>Ilyas Amir Alam, *Kriminologi Suatu Pengantar*. Cet. 1. Jakarta: Prenadamedia Group, 2018.

<sup>10</sup>S Dale, "Polres Gorontalo" (2022).

<sup>11</sup>Mukti Fajar dan Yulianto Achmad, *Dualisme Penelitian Hukum (Normatif Dan Empiris)*. Yogyakarta: Pustja pelajar, 2013.

depth study of the application of criminological theories and also analyze the causes of domestic violence crimes. The approach used by researchers in compiling this research is a *case approach*.<sup>12</sup> This approach will generate descriptive data described by respondents in writing or orally. Approach techniques carried out in this data collection include Literature Studies, Interviews, and Questionnaires. The determination of the location in the research is functioned to account for the acquisition of data obtained so the research location is important to be determined at the beginning. This research was conducted in Gorontalo Regency, based on the consideration of Gorontalo Regency, which is one of the regions in Gorontalo Province, where in Gorontalo Regency City there are still rampant domestic violence crimes.

### 3. Discussion

#### 3.1 The Role of Police to Minimize and Overcome Domestic Violence Crimes in the Gorontalo Police Jurisdiction

Countermeasures consist of taking action against the perpetrator according to what he is doing and evaluating them to make them understand that their actions are wrong.<sup>13</sup> The National Police itself, in dealing with domestic violence, is more positioned as a mediator, because if it can still be resolved and resolved by deliberation, the case stops here. Meanwhile, if it cannot be resolved by deliberation, the National Police will take the next action, namely by taking legal channels. The role of the Indonesian National Police in dealing with Domestic Violence, among others:

- 1) Preventively: Preventively, the National Police is directly involved in the community so that the community better understands domestic violence by conducting public seminars on domestic violence, providing advice to overcome violence against women, and giving lectures on women's rights.
- 2) When referring to the retributive theory or absolute theory proposed by Immanuel Kant and Hegel where "evil is seen as an immoral act so it must be reciprocated with punishment where the purpose of retribution is focused on retaliation in proportion".<sup>14</sup> So this is used in the event of a criminal act in the form of criminal prosecution by providing sanctions.<sup>15</sup> The law is for man, so society expects expediency from the implementation or enforcement of the law. Do not let it happen, in the implementation or enforcement of this law, unrest arises in the community.<sup>16</sup> An act is formed into a crime and formulated in law because the act

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<sup>12</sup>Philips Suratman & Dillah, *Metode Penelitian Hukum : Dilengkapi Tata Cara Dan Contoh Penulisan Karya Ilmiah Bidang Hukum*, Cet. 2 (Bandung: Alfabeta, 2014).

<sup>13</sup>M Ali Zaidan, *Criminal Policy* (Jakarta: Sinar Grafika, 2016).

<sup>14</sup>Moh U Rusdiyanto Puluwulawa et al., "Kebijakan Kriminal Dalam Penanggulangan Tindak Pidana Penganiayaan Menggunakan Panah Wayer Oleh Anak Di Kota Gorontalo," *Jurnal Yuridis* 6, no. 2 (2019): 93–117, <https://kbbi.kemdikbud.go.id/entri/penganiayaan>.

<sup>15</sup>Fence M Wantu, *Criminal Procedural Law in Theory and Practice* (Yogyakarta: Reviva Cendekia, 2011).

<sup>16</sup>Fenty Puluwulawa dan Lusiana M. Tijouw, "Penerapan Asas Keadilan, Kepastian Hukum Dan Kemanfaatan Dalam Putusan Hakim Tindak Pidana Korupsi."

is judged by the framers of the law as an act that endangers a legal interest. Establishing a prohibition on committing an act accompanied by threats / criminal sanctions for those who violate, it means that the law has provided legal protection for the interests of the law.<sup>17</sup> The role of the National Police is repressive by taking actions, among others:

- a) Investigation,
- b) investigation.
- c) Protection of victims,
- d) Protection by the police in the form of temporary protection provided to victims and protection provided by Palin for 7 (seven) days, and within 1 x 24 hours of providing protection, this temporary protection can be carried out in collaboration with relevant agencies, including health workers, social workers, volunteers, and spiritual guidance to accompany victims.
- e) Determining the article or law that has been violated by the perpetrator so that later the punishment can be determined, in the Criminal Procedure Code itself can be articles that can be used as a reference by the authorities to carry out detention, including Determining the Article.

In the Criminal Procedure Code itself, some articles can be used as a reference by the authorities to carry out detention, including:

- a) Article 44 of Law Number 23 of 2004 concerning the Elimination of Domestic Violence perpetrators of psychic violence are threatened with 5 (five) years in prison with a fine of Rp. 15,000,000.00 (fifteen million rupiahs), if the victim falls ill or seriously injured, he is threatened with imprisonment for 10 (ten) years with a fine of Rp. 30,000,000.00 (thirty million rupiahs), while if the victim dies, he is threatened with imprisonment for 15 (fifteen) years and a fine of Rp. 45,000,000.00 (four twenty-five million rupiahs).
- b) Article 45 of Law Number 23 of 2004 concerning the Elimination of Domestic Violence Perpetrators of psychic violence are threatened with 3 (three) years in prison, and a fine of Rp. 9,000,000.00 (Nine million rupiah) Article 46 of Law Number 23 of 2004 concerning the Elimination of Domestic Violence. Perpetrators of sexual violence are threatened with a prison sentence of 12 (twelve) years, and a fine of Rp. 36,000,000.00 (thirty-six million rupiahs).
- c) Article 48 of Law Number 23 of 2004 concerning the Elimination of Domestic Violence. If the victim due to sexual violence results in injuries that do not have any hope of recovery at all, has a disturbance of thinking power, or causes his soul to be disturbed, for at least 4 (four) weeks continuously or 1 (one) year not in a row, the death or death of the fetus in the womb or until it causes the malfunction of the reproductive apparatus, it is punishable by the

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<sup>17</sup>Admi Chazawi, *Kejahatan Terhadap Tubuh Dan Nyawa* (Jakarta: PT Raja Grafindo Persada, 2013).

threat of imprisonment for a minimum of 5 (five) years and a maximum of 20 (two years in prison) tens) years or a fine of at least Rp 25,000,000.00 (twenty-five million) and a maximum fine of Rp 500,000,000.00 (five hundred million rupiahs).

- d) Article 49 of Law Number 23 of 2004 concerning the Elimination of Domestic Violence. Abandoning another person within the scope of the household is punishable by imprisonment for a maximum of 3 (three) years or a maximum fine of Rp. 15,000,000.00 (fifteen million rupiahs).

Often in carrying out their duties, officers encounter obstacles, To deal with domestic violence crimes, there are several obstacles faced by the police and these obstacles include:

- 1) The culture of shame or reluctance of the victim to complain about the violence that has befallen him (this can also be caused because he still maintains the mindset that what happens in the household, even if it is an act of violence, is entirely a private domestic problem.
- 2) suspects who have been known by the victim, but the suspect has been hunted to escape, thus hindering the police in conducting investigations.
- 3) The lack of witnesses, even though there are witnesses who saw the incident, but the person who saw it did not want to give testimony to the incident he saw.

The victim's reluctance to report the violence that has befallen him is caused by, among other things:

- a) because the victim himself is afraid that his soul becomes threatened.
- b) fear of losing a living from the husband, it is because of the economic dependence that the victim is reluctant to report.
- c) fear of defaming and embarrassing the family.
- d) because the victim himself is still innocent and always resigned to what has happened to him, even if it is violence.
- e) the victim is hesitant in reporting the incident of violence that has happened to him.
- f) the victim does not know about his rights, where the rights themselves are part of human rights.

Some of the factors that become obstacles in efforts to deal with domestic violence crimes, these factors include:

- a) family, this factor arises from the family itself, due to the reluctance to report incidents of violence that occur in the family, because the perpetrator himself

is a family member. Thus, reporting this or even talking about it is considered a family disgrace.

- b) society, a society that is less constructive in responding to acts of Domestic Violence which are also based on the perception that family problems should be solved by the family itself, this is due to the community's lack of understanding of the law on the elimination of domestic violence.

### **3.2 Factors that cause domestic violence in Gorontalo**

Speaking of criminology is closely related to the person who commits the crime (the criminal himself), As to be able to understand and use the causes to do evil. The family sphere is considered a place to achieve happiness for women, which is a place of torture for those who experience domestic violence. In the household, tensions and conflicts are common. Disagreements, debates, quarrels, and even cursing are common in domestic life. It is such events that provoke disharmony among family members. Of course, there is no effect if there is no underlying cause. Likewise, acts of violence occur within the scope of the household, which is better known as domestic violence (KDRT). The sphere of the home, which is seen as an environment full of peace and affection, also leaves a bit of a heartbreaking and painful story.<sup>18</sup>

Before discussing further the factors that cause domestic violence, the researcher will explain again a little about what Domestic Violence is In law Number 23 of 2004 Article I Mentions that domestic violence is any act against a person, especially women, which results in the emergence of physical misery or suffering, sexual, psychological and/or domestic neglect including threats to commit acts of coercion or unlawful deprivation of liberty and domestic scope The law states that domestic violence is any type of violence (both physically and psychically) committed by other family members, whether husband to wife, or violence committed by the wife or father to the child, or the mother towards her child and the violence that a child commits to his parents but the dominant victims of domestic violence are the wife and child committed by the husband. <sup>19</sup>

Domestic violence can happen to anyone including mothers, fathers, husbands, wives, children, or domestic servants. However, in general, the definition of domestic violence is narrowed down to mean the mistreatment by husbands of wives and children. This is understandable because most victims of domestic violence are wives and children. Based on some of the definitions above, it can be concluded that all acts of domestic violence are acts of violating human rights that can be subject to criminal law sanctions.<sup>20</sup>

Through an in-depth study process on the discourse of domestic violence, namely by conducting interviews with the police, especially investigators, it turns out that there

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<sup>18</sup> Soeroso, *Kekerasan Dalam Rumah Tangga Dalam Perspektif Yuridis - Viktimologis*.

<sup>19</sup> Soeroso.

<sup>20</sup> Soeroso.

are several causal factors behind someone committing violence in the Gorontalo police jurisdiction, including:

### **1. Economic Factors**

According to the 8th UN Congress, One of the contributing factors as a cause of crime is Poverty factor.<sup>21</sup> According to the Author, This factor is under one of the Criminological Theories, namely Economic Theory, this theory considers the emergence of crime as a result of economic inequality in society, It is also admitted by W.A Bonger that the cause of crime is one of the Economic Factors.<sup>22</sup> in criminology which discusses economic inequality, where the concept of criminology believes that difficult economic times make people more willing to commit crimes.<sup>23</sup> There are several incidents of violence experienced by Sorang istri due to a husband not providing for his wife and children. This kind of thing has happened in the jurisdiction of the Gorontalo police. However, not many even from 2019-2021 there were only 3 cases of domestic violence of economic violence, or neglect of wives and children. Concerning economic factors there is also a case that Mr. S Dale has investigated, stating "there is a husband committing violence against the wife Because the wife is in a huge debt, while the husband is struggling to work."<sup>24</sup> This kind of thing is really unfortunate why can happen, even though a husband has tried to provide for his wife. After investigation, the wife committed a large amount of debt just to go on a spree with her friends without her knowledge because her husband worked outside the area.

### **2. Infidelity Factor**

In this case, the affair in question is an affair committed by the husband with another woman or the husband getting married or having another wife. This infidelity is also one of the factors for a person to commit an act of domestic violence. If these conditions are met then malicious behavior can arise as a result of social interaction. This means that a person will carry out deviant behavior according to the conditions of his environment and positive association which will later prevent someone from carrying out the behavior of storing.<sup>25</sup> After interviewing Investigator S Dale, they were generally subjected to violence because they had been betrayed by their husbands. This can be seen from a few stories told by the victims through the investigation process. The beginning of domestic disharmony is because a husband, having an affair with another woman. From the investigator's statement, 7 out of 10 domestic violence cases caused by infidelity lead to divorce. Investigators assert that

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<sup>21</sup>Rusdiyanto Puluhulawa et al., "Kebijakan Kriminal Dalam Penanggulangan Tindak Pidana Penganiyaan Menggunakan Panah Wayer Oleh Anak Di Kota Gorontalo." *Jurnal Yuridis* 6, no. 2. 2019. 93–117.

<sup>22</sup>Wildanu S Guntur and Sabar Slamet, "Kriminologi Perdagangan Ilegal Satwa Liar," *Recidive* 8, no. 2 (2019): 177.

<sup>23</sup>Made Darma Weda, *Kriminologi* (Jakarta: PT Raja Grafindo, 1996).

<sup>24</sup>S Dale, "Polres Gorontalo."

<sup>25</sup>Yayuk Rizki Hulukati, Dian Ekawaty Ismail, and Novendri M Nggilu, "Penyalahgunaan Narkotika Oleh Pegawai Negeri Sipil Dilihat Dari Perspektif Kajian Kriminologi," *Jurnal Legalitas* 13, no. 1 (2020): 20.



when a husband is caught cheating on him, they will physically abuse his wife to cover up his or her misconduct.<sup>26</sup>

From the data obtained by the author, infidelity is the most important factor that causes domestic violence, infidelity occupies the first position with a percentage of 50% of all cases handled by the Gorontalo police in 2019, 2020, and 2021, all of which occurred due to infidelity. We can see the cases of this affair in several sub-districts in Gorontalo regency in the following table.

| NO | District Name | Number Of Domestic Violence Cases Due To Infidelity |
|----|---------------|---|
| 1  | Blue Lake     | 5   |
| 2  | Pond          | 10  |
| 3  | Limboto       | 10  |
| 4  | Limboto West  | 4   |
| 5  | Tibawa        | 7   |
| 6  | Telaga Jaya   | 6   |

**Source :P olres Limboto, Gorontalo Regency.**

From the table above, we can see that the most dominant areas for domestic violence due to infidelity are in two sub-districts, namely Telaga sub-district, and Limboto kecamatan, the two cases of domestic violence each have 10 cases of domestic violence due to infidelity.

### 3. Factors of Gambling and Drunkenness

Gambling is something that is prohibited, both by law and religion. Playing gambling and getting drunk for some people is indeed something exciting, sometimes it even makes everything forgotten. As experienced by Mrs. I whose husband likes to get drunk and play gambling. The beginning of disharmony in Mother I's family began when Mrs. I's parents bought her son-in-law, who was none other than Mrs. I's husband a cart to sell. Intends to support his wife and children, but in reality, his hard-earned money is used for gambling and drinking liquor. As a result, Mrs. I's parents were disappointed. After learning of the incident, Mrs. I's husband left his family and turned to another woman. Starting from liking her hobbies of gambling and drinking too much, and continuing with family neglect, finally, Mrs. I's household led to separation. Mother I's husband left his wife and two children and chose a widow who

<sup>26</sup>S Dale, "Polres Gorontalo."

already had two children. But this separation is only limited to separation, and there is no word of divorce between them.<sup>27</sup>

Related to liquor and gambling, this is the most that cause domestic violence 80% of domestic violence cases in the Gorontalo police jurisdiction are caused by the husband's habit of consuming liquor playing gambling, whereas when he is under the influence of alcohol a husband returns home and his wife scolds him for being drunk but what happens is that the husband commits acts of physical violence against the wife. Likewise, gambling when the husband loses playing gambling and returns home the wife becomes a suitable target to vent his anger because he has lost playing gambling.<sup>28</sup>

#### 4. Patriarchal Culture

According to Bhasin, patriarchy means a system that places the father as the ruler of the family. The term was then used to describe a society, where men ruled over women and children.<sup>29</sup> Similarly, Usman also said that the social agreement governing the roles of men and women is framed by a patriarchal system, which places men in key positions or more dominant roles. The system then places the status and role of women under male guardianship. In patriarchal societies, gender relations tend to give men their place first, so if carefully examined, in many areas of life they place women in a position of subordination. The male is considered more powerful and above all than a female. In the domestic sphere, this assumption gives rise to an attitude of womanhood (wife) to the husband and the woman feels that she is weak and helpless. Mother S for example, in her home life, the husband remains dominant in holding control of the family. He said: "Domination in managing the life of the environment, such as cooperation with neighbors, household shopping, household needs. I responded yes fine. As the head of the family remains a role model, I am only a role model, it is like I am under the rule of suami. I am a receptive person, now for the sake of the child, the child can be with the father".<sup>30</sup>

What Mrs. S and Mrs. T experienced is a valid example of a woman who is unable to get out of the net of her husband's power. Such circumstances make women always take refuge under the armpits of their husbands, considered subordinates and second-class citizens.

From the analysis that the author did, the patriarchal Cultural Factor only holds the smallest percentage of all domestic violence cases that occur in the Gorontalo police jurisdiction throughout 2019-2022. Where there were 2 cases in Biluhu kecamatan and 2 cases in Batudaa Pantai kecamatan.

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<sup>27</sup>S Dale.

<sup>28</sup>S Dale.

<sup>29</sup>Topo Santoso and Eva Achjani Zulfa, *Kriminologi* (Jakarta: Raja Grafinda Persada, 2001).

<sup>30</sup>Tiara, "Warga Limboto" (2022).

## 4. Conclusion

Based on the results of previous research and discussions that researchers have conducted, the researcher can conclude that the causal factors behind a person committing violence in the jurisdiction of the Gorontalo police, including infidelity, in this case, the affair in question is an affair carried out by the husband with another woman or the husband is married or has another wife. Economic factors, patriarchal factors, drunken factors, and gambling. The role of the Indonesian National Police in dealing with Domestic Violence, including Preventively: Preventively, the National Police is directly involved in society so that the community better understands domestic violence by conducting public seminars in terms of domestic violence, providing advice to overcome violence against women, giving lectures on women's rights. Repressively: The role of the National Police is repressive by taking actions, including Investigation, investigation, and protection of victims.

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### **Interview**

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