

Victims of (State) Terrorism: Human Rights Challenges in Indonesia

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Abstract

The discussion of state power tends to elaborate on the problem of the legitimation of using force to deliver public goods. Seminal works by Machiavellian theoreticians stand on this argument and focus on developing a strong government that can control how the power works. There is a debate continuously elaborating on the nature of state power, mainly to present the humanist power relations; however, the problems of overuse of power and the fallen victims cannot wait until academia makes a consensus. With the various governmental models, the state has a complex issue, such as the nexus between the plurality of social identity and other categories attributed to the citizens, which becomes essential to overcome the problems of unpredictable enemies with the most efficient strategist. Following these backgrounds, it is crucial to enhance knowledge about the variety of the implementation of state power to control, supervise, and docile the citizens. In doing so, first, figuring the concept of terrorism with multiple interpretations, in which states play their strategy to raise public awareness while elevating the regime of terror by creating a common enemy. Secondly, how has the technology to govern, with a technicalization of specific indicators, been used to manage the risk and possibly minimize the number of victims. Lastly, concern about this condition leads to human rights fulfillment, particularly how the state's "conduct to conduct" can ensure citizens' well-being. As a point for reflection, this essay argues that state power has a paradox in delivering sovereignty; the challenge is how to construct social spaces that can reduce the overuse of power.

Keywords: *Governmentality, Human Rights, Power, State, Terrorism*

I. INTRODUCTION

"Terrorism has become the systematic weapon of war, That knows no borders or seldom has a face".

Jacques Chirac spoke in his public statement on September 25, 1986, raising the imagination of the pervasiveness of acts of terrorism.¹ On the 17th of September 1986, terrorist

1 Peter Slevin, "The bombs exploded, and France's prime minister called it 'war.' It was 1986.", *Wash Post* (18 November 2015).

attacks in Paris used bombs that killed five civilians and injured hundreds of others.² The statement became a repeated idiom to emphasize the character of terrorism, which developed in globalized networks. In the same month, there were attacks in Karachi and Istanbul; attacks carried out by so-called terrorist groups became an international issue.³ Terrorism and its counterterrorism are multifaceted, which, in contemporary reality, have been used as a weapon to categorize ideologies and simplify relations between countries and the problem of deterritorialization.⁴ Alarming wars against terrorism have problematized who the terrorism actors are, which are the consequences of the position of the States.

As prime minister of France, Jacques Chirac marked the ideas about protecting the nation-state's sovereignty, which is confronted with terrorist networks with sectarian religious agendas as part of their identity politics. The stigmatization of certain religions, which are constructed as part of the identity of terrorist groups, is still a matter of debate in France; for instance, the ban on the use of the veil in public schools is an indication of the state's need to control social practices in public spaces.⁵ This measure is claimed to be a strategy to introduce French secularism. However, the problems of state intervention and creating terror for those who believe in other values still pose a severe problem.

Additionally, a decade after Chirac's statement, an American political scientist, Huntington⁶, contended that the difference between West and East civilizations was caused by the political systems that shaped power relations. Both have led to the discourse of how terrorism is a phenomenon that threatens people's lives and, at the same time, challenges the state authorities. In terms of protecting the lives of people who are targets of terrorism, States utilize their military force. Thus, imagining how words came from the subject who has authority leads to the idea of power and knowledge. It can infiltrate other territories' and civil society's lives, and it has consequences for projecting the existence of a state with superiority and the project that tries to hegemonize public opinion. Following the debate between State and politics, the articulation of power tends to develop as an instrument for disciplining the subject through a system of fear.⁷ However, the people who live in a particular territory should be analyzed using the territoriality nexus.

2 Richard Bernstein & Special To the New York Times, "5 DEAD, 50 HURT AS BOMB IS HURLED ON A PARIS STREET", *NY Times* (18 September 1986).

3 Elaine Sciolino, "CHIRAC SEES NO STATE ROLE IN BOMBINGS", *NY Times* (25 September 1986).

4 Gillian Duncan et al, eds, *State Terrorism and Human Rights: International Responses since the End of the Cold War* (London: Routledge, 2013).

5 Nathalie Hauksson-Tresch, "The Religious Sign from a Semiotic Perspective a Social-Semiotic Interpretation of the Challenges Presented by the Concept of Religious Sign in the Context of French Schools" (2023) 37:4 *Int J Semiot Law* 1259-1284.

6 Samuel P Huntington, *The clash of civilizations and the remaking of world order* (First Touchstone edition. New York: Touchstone, 1997).

7 Benedetto Fontana, "Gramsci on Politics and State" (2002) 2:2 *J Class Sociol* 157-178; Saskia Sassen, "The State and Globalization: Denationalized Participation" (2004) 25:4 *Mich J Int Law* 1141-1158.

Power relations in the State context, exercised through coercion to control civil society, have become the turning point in understanding the problem of state terrorism.⁸ Conceptually, by creating anxiety throughout the public space, primarily through the uncertainty of the actor behind the act, terrorism becomes a strategy to delegitimize the State's existence.⁹ Terrorism requires preventive measures by the State; then, it is crucial to explore how the State ensures that terror does not occur in its territory and how it has shifted the meaning of terrorism. I argue that the existence of the State as a force to counterbalance terrorism has presented what is called state terrorism. In determining the most effective methods, consequently, civil society becomes the target of anti-terror strategies.

Within Gramsci's civil society, the plurality of social identities and fragmentation of social classes are signs of the state's existence.¹⁰ Subsequently, with this idea, the State deals with a social formation shaped by social practices and terror. Then, in Indonesia's experience, the issue of communism has become part of the history of how the sovereignty claimed by the State has criminalized and caused deaths for those who are accused of being affiliated with communism. The State has become a superpower institution that is fully capable of regulating and shaping the existence of civil society by neglecting and victimizing citizens who articulate non-state ideologies¹¹. Indeed, the concept of power and coercive forces to protect people, particularly to maintain sovereignty, can be debated. However, elaborating on the limitation of state power over the rights of citizens still leaves unanswered questions.

Given Indonesia's political setting, discussing state terrorism becomes crucial, mainly because categorizing ideologies, social spaces, and political formation has been used as the foundation of sovereignty. Terrorism is often characterized by religious ideologies or "Islam

8 Tim Wilson, "State Terrorism" in Erica Chenoweth et al, eds, *OxfHandb Terror* (Oxford University Press, 2019) 330.

9 Daniel Masters & Patricia Hoen, "State Legitimacy and Terrorism" (2012) 8:4 *Democr Secur* 337-357; Charles Tilly, "Terror as Strategy and Relational Process" (2005) 46:1-2 *Int J Comp Sociol* 11-32.

10 Michael Burawoy, "Gramsci Meets Bourdieu" in Karl Holdt & Michael Burawoy, eds, *Conversat Bourdieu Johannesbg Moment* (Wits University Press, 2012) 51; Max Koch, "State-civil society relations in Gramsci, Poulantzas and Bourdieu: Strategic implications for the degrowth movement" (2022) 193 *Ecol Econ* 107275; Paul Piccone, "Gramsci's Hegelian Marxism" (1974) 2:1 *Polit Theory* 32-45; Ihab Shalbak, "Hegemony thinking: A detour through Gramsci" (2018) 147:1 *Thesis Elev* 45-61.

11 Efimova, L. (2003). Who gave instructions to the Indonesian communist leader Musso in 1948? *Indonesia and the Malay World*, 31(90), 171-189. <https://doi.org/10.1080/1363981032000165877>

Ümit Üngör, U., Hearman, V., van Klinken, G., & Robinson, G. (2019). Debate on The Killing Season: A history of the Indonesian massacres, 1965-1966 by Geoffrey B. Robinson, with Uğur Ümit Üngör, Vanessa Hearman, Gerry van Klinken and Geoffrey Robinson. *Bijdragen tot de taal-, land- en volkenkunde / Journal of the Humanities and Social Sciences of Southeast Asia*, 175(2-3), 341-356. <https://doi.org/10.1163/22134379-17502021>

Hearman, V. (2017). Contesting Victimhood in the Indonesian Anti-Communist Violence and Its Implications for Justice for the Victims of the 1968 South Blitar Trisula Operation in East Java. *Journal of Genocide Research*, 19(4), 512-529. <https://doi.org/10.1080/14623528.2017.1393943>

politics” and responds with quite identical strategies.¹² The stigmatization of Islamic politics has attracted academia to explain how this political agenda of Islam groups transformed into terrorism. However, in the historical context of Indonesia, the problems of ideologies also showed that the left-wing agenda influenced civil society. In fact, during the Soekarno era, the communist political party was able to gain people’s choice.

After the Soekarno regime, the Indonesian political system transformed from an authoritarian regime into a democratic order, proven by simplifying the political parties and conducting regular general elections. However, this transformation is not necessarily accompanied by an arrangement of political subjects and still creates State superiority.¹³ For instance, Indonesian citizens had to follow the state’s regulations, which made the people political entities and conceptualized them as subjects of the state; there were obligations and rights on the corridor of the nation-state. The state determined the concept of an ideal citizen.

The general election system in Indonesia, developed during the democratic transition, is the antithesis of an authoritarian and quasi-democracy model. A quasi-democracy can be interpreted as the antithesis of a democratic system; it emphasizes electoral procedures but ends in violation of human rights by exercising coercive force to control the population and leads to corruption.¹⁴ The use of the term quasi-democracy becomes essential in this paper, particularly in emphasizing the existence of a plurality of interests or support for specific values that operate through the limitation of counter-discourse space, where the problem of state terrorism remains. Moreover, the overused bureaucratic approaches not only develop State domination in public life but also illustrate the ongoing process of constructing civil society, which is still struggling to extend its capabilities in Indonesia’s governmentality system.

12 Abubakar Eby Hara & Nur Azizah, “Securitization of Terrorism and Human Rights Protection in Indonesia” (2022) 7:11 KnE Soc Sci 83–95; Aria Nakissa, “Security, Islam, and Indonesia: An Anthropological Analysis of Indonesia’s National Counterterrorism Agency” (2020) 176:2/3 Bijdr Tot Taal- Land- En Volkenkd 203– 239; Satria Unggil Wicaksana Prakasa, “International Humanitarian Law Review on the Involvement of the Indonesian National Military (TNI) in Combating Terrorism” (2021) 5:1 J Southeast Asian Hum Rights 63–83.

13 Dien Vidia Rosa, “Editor’s Introduction: Securing The Society” (2022) 2:1 J Contemp Sociol Issues.

14 Budiawan, “When Memory Challenges History: Public Contestation of the Past in Post-Suharto Indonesia” (2000) 28:2 Southeast Asian J Soc Sci 35–57; Plamen K Georgiev, ed, “Corruptive Patterns of Patronage” in *Corrupt Patterns Patronage South East Eur* (Wiesbaden: VS Verlag für Sozialwissenschaften, 2009) 95.

II. PORTRAYING INDONESIA: THE BIOPOLITICS AND STATE TERRORISM

The fundamental issue in the State of Indonesia lies in the idea to "protect all the Indonesian nation's bloodshed," which is expressly stated in the opening of the Constitution.¹⁵ In terms of articulating the concept of protection, what kind of strategy is used, who has the mandate to secure the nation, and how to advance the protection method becomes the entry point for the government's position on its citizens. If Pancasila had been used as a reference, then the issues of humanity, unity, social justice, and human rights would have become rare in Indonesia. Unfortunately, in history and throughout each political regime, the problems have not aligned with human rights values.¹⁶

Ariel Heryanto, using cultural studies approaches, has emphasized how identity politics in Indonesia is present in the space of state terrorism, especially on how the system of power is carried out through visual trauma. During the new order era, the Soeharto regime used films that presented communism as the common enemy and repeatedly played it on all national television on 30 September to alarm the latent danger.¹⁷ Although, in the reform era, television broadcasts have the autonomy to choose their programs, TV One still plays the movies to echo the fears of communism. This method continues in contemporary Indonesian public life, where the social movements against the government are accused of groups affiliated with communism.

The rationale for this article is not to explain the idea of government being articulated but to examine and scrutinize the problem of governmentality. Therefore, there is a need to present the discourse on how state terrorism, which is plurally reflected through civil society's daily life, can be reproduced through dialogue.¹⁸ The idea that the New Order government could exercise authoritarianism in a democratic system is not hypocritical, primarily through the tight controls governing the circulation of discourse. Thus, state terrorism needs to be re-elaborated, mainly to show how the democratic space is created through the remnants of domination, with the fight over hegemony taking on a new form. In addition, it is crucial to see whether civil society can assert its own identity in a democratic space, which seems to provide a way but simultaneously poses a threat when it speaks.

15 Zurlfirman, Z., & Manurung, R. S. (2018). PEMBUKAAN UUD 1945 : ANALISIS NILAI POLITIK DAN NILAI HUKUM INDONESIA. *Jurnal IUS Kajian Hukum Dan Keadilan*, 6(1), 72. <https://doi.org/10.29303/ius.v6i1.543>

16 Harruma, I. (2022, September). Cases of Human Rights Violations in Indonesia 2022. <https://nasional.kompas.com/read/2022/09/22/01000001/case-pelanggaran-ham-di-indonesia-2022>

17 Wijaya Herlambang, *Cultural Violence: Its Practice and Challenge in Indonesia* (VDM Publishing, 2011).

18 Ariel Heryanto. (2006). *State terrorism and political identity in Indonesia: fatally belonging*. New York: Routledge.

More than dozens of human rights violation cases have occurred. Justice has yet to be served regarding the problems of racism, counterterrorism, the shrinking of public space, and violations of religious practices.¹⁹ The government should manage a system to protect citizens, especially by being accountable for defending human rights. However, cases of human rights violations become a paradox when protecting some citizens comes at the expense of other citizens. Hence, how can a country implement a method of citizen protection that, at the same time, victimizes its citizens? Utilitarian philosophy is the paradigm for calculating the minimum cost to achieve maximum results.²⁰ This idea is the foundation of how the State victimizes a few citizens to protect the majority.

Formal surveillance and punishments are interpreted as attempts to gain legitimacy and subdue the plurality of cultural identities for the supremacy of state power.²¹ the Indonesian government also issues citizens national identity cards (Kartu Tanda Penduduk-KTP) and mentions religion and other social categories to construct the population with classification techniques. The bureaucratic structure lies in the need for objective citizens to categorize objects and is managed for the functioning of the government system. Furthermore, carrying out layered and multilevel policies in specific spaces serves as a tactic to secure the existence of the political system while simultaneously normalizing social and political activity. The Indonesian government's use of social harmony and unity to marginalize others' ideologies is a concrete example of how politics is a matter of sovereignty and power relations.

The complexity of social settings is absorbed into an ideological space to convey the existence of the State. Therefore, the government plays a key role in regulating the continuity of citizens' activities. The crucial point lies in unification, which is imagined to be able to provide the recognition to fulfill human rights. In practice, it is assumed that the majority determines the style of a country, which is claimed as the popular politics based on the majority interest. Between absorbing the power base of the masses or taking refuge through the needs of civil society, the government uses the diction "social order."²² Within the framework of the

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- 19 Irene I Hadiprayitno, "The Limit of Narratives: Ethnicity and Indigenous Rights in Papua, Indonesia" (2017) 24:1 *Int J Minor Group Rights* 1-23; Hurriyah -Hurriyah, "Dynamics of Shrinking Religious Freedom in Post-Reformasi in Indonesia" (2020) 4:2 *J Southeast Asian Hum Rights* 335-356; Jenny Munro & Yohana Baransano, "From saving to survivance: Rethinking Indigenous Papuan women's vulnerabilities in Jayapura, Indonesia" (2023) 64:2 *Asia Pac Viewp* 209-221; Robertus Robet, Meila Riskia Fitri & Marista Christina Shally Kabelen, "The state and Human Rights under Joko Widodo's Indonesia" (2023) 9:2 *Cogent Soc Sci* 2286041; A Sumodiningrat & J A Nabila, "Against Discrimination" (2022) 2:2 *J Contemp Sociol Issues* 116.
- 20 Don A Habibi, "Human Rights and Politicized Human Rights: A Utilitarian Critique" (2007) 6:1 *J Hum Rights* 3-35.
- 21 Hannah Sorenson, "Spare the Rod, Spoil the Society? The Moral Complexity of Caning in Singapore" 1:1 *J Contemp Sociol Issues* 2021.
- 22 Gunawan Gunawan, "Penyelenggaraan Ketentraman dan Ketertiban Umum oleh Satpol PP dan Penyidik Pegawai Negeri Sipil di Provinsi Aceh" (2012) 4:2 *J Bina Praja* 117-126.

State, with civil society as the object of regulation, there is a need to reinforce the existence of a government while at the same time managing social practices.²³

Indonesia is an example of how diction can determine power formations and where the fulfillment of human rights is still under the shadow of state domination. In the theoretical context, Foucault developed the idea of governmentality to highlight how the discourse of population and sovereignty becomes the instrument of discipline.²⁴ By changing interpersonal relations into political relations integrated into the power structure spread within the bureaucratic system, the government emerges as the dominant figure to interpellate citizens.²⁵ Through structured domination and hegemonic power, the government ensures control so that the need to maintain a static narrative and reflective movement adapted to the social context becomes a strategy for managing civil society. However, in the context of human rights and the limitations caused by political order, the loss of life has not been addressed.

III. SOVEREIGNTY AND SECURITY: A HUMAN RIGHTS FULFILLMENT AGENDA

There is a new form of how state terrorism is being debated; for example, is it possible that the State can be positioned as a subject to carry out these actions?²⁶ Max Weber, a German sociologist who emphasized the need for a modern bureaucratic system to create public services, recognized the State's legitimacy in its social functions.²⁷ However, the next question lies in how the bureaucracy works to create efficiency for civil society.²⁸ In practice, the bureaucracy has become a system that categorizes people with governmentality, which today works as collecting big data on the population. In Indonesia, big data appears as an instrument for managing the opinion of civil society and entering specific agendas in social spaces, such as how the Jokowi uses a high satisfaction level of public service. Therefore, it can be a way to see how the government, with its bureaucratic tools, can use big data to regulate and create fears, which are essentially the character of terror.

23 Alexander J Means, "Foucault, biopolitics, and the critique of state reason" (2022) 54:12 *Educ Philos Theory* 1968-1969.

24 Mathias Hein Jessen & Nicolai von Eggers, "Governmentality and Statification: Towards a Foucauldian Theory of the State" (2020) 37:1 *Theory Cult Soc* 53-72; Tania Murray Li, "Governmentality" (2007) 49:2 *Anthropologica* 275-281.

25 David McGrogan, "The population and the individual: The human rights audit as the governmentalization of global human rights governance" (2018) 16:4 *Int J Const Law* 1073-1100.

26 Paul Wilkinson, "Can A State Be 'Terrorist'?" (1981) 57:3 *Int Aff* 467-472.

27 Haldor Byrkjeflot, Paul du Gay & Carsten Greve, "What is the 'Neo-Weberian State' as a Regime of Public Administration?" in Edoardo Ongaro & Sandra Van Thiel, eds, *Palgrave Handb Public Adm Manag Eur* (London: Palgrave Macmillan UK, 2018) 991.

28 Ramon Van Der Does et al, "Does Terrorism Dominate Citizens' Hearts or Minds? The Relationship between Fear of Terrorism and Trust in Government" (2021) 33:6 *Terror Polit Violence* 1276-1294.

The reality formed in an algorithmic system, which requires mathematical competence in reading and determining policy directions, becomes a new form of quantifying efficiency. At the same time, democracy assumes that numbers will determine the direction and promote legitimacy, becoming a fundamental issue in future human rights struggles. This logic was replicated in several crucial political decisions, such as the legalization of the Job Creation Law or the making of a new Indonesian capital city, by which the House of Parliament agreed. This evidence showed inseparable from how the liberal democratic system, based on individual rationality, sees there is awareness to make choices; it has changed to an extensive data system.²⁹ However, in an empirical context, the problem is how voters' voices can be conditioned or manipulated based on practical needs, which can become a tool for creating power.

The idea that the victory of the number of voters translates into a legitimate basis led to sovereignty. The State then had legal standing to act and claim their actions as a strategy to protect their population. Consequently, elites would easily manipulate the population. The existence of authoritarian regimes attracted the attention of Arendt, a German philosopher who saw the rise of nation-states as a paradox in the fulfillment of human rights. The concept of sovereignty, which is glorified to assert power, is a political-economic construction that clarifies the existence of global forces that determine how a country manages its government.³⁰ Agamben's theory discusses and builds on what Arendt previously elaborated on. He frames the issue of sovereignty as part of a philosophical discussion to enable the State to take actions to legitimize the practice of violence by emphasizing the concept of "killable bodies".³¹

In contemporary society, the challenge lies in the new way of subordinating civil society to democratic spaces, where open access to information and possibilities for adopting new preference norms need to be seriously examined. Then, can one still deny the existence of state power capable of being a monitoring machine in the name of the common good? Should terrorism still be translated as a force outside the State that is intended to destroy the existence of the State? Or should terrorism be seen as a form of the State creating a political order that can enter private spaces as well as create control over the routines of civil society? These issues are essential to see how the existence of the State is constructed by the government regime, which not only works in a national context but has always worked in global relations.

The role of civil society is to confront and raise public awareness on minor issues or those that marginalized groups often experience. For example, a concrete issue happening to Indonesian Indigenous peoples is that they are increasingly affected by the rise of the educated

29 Shikha Verma, "Weapons of Math Destruction: How Big Data Increases Inequality and Threatens Democracy" (2019) 44:2 *Vikalpa* 97-98.

30 Hannah Arendt, "The decline of the nation-state and the end of the rights of man." in Mark Goodale, ed, *Hum Rights Anthropol Read* (Wiley-Blackwell, 2009); Christian Volk, "The Decline of Order: Hannah Arendt and the Paradoxes of the Nation-State" in Seyla Benhabib, ed, *Polit Dark Times Encount Hannah Arendt* (Cambridge: Cambridge University Press, 2010) 172.

31 Giorgio Agamben, "2. Biopolitics and the Right of Man" in *Homo Sacer Sover Power Bare Life* (Stanford University Press, 1998) 126.

urban middle class.³² This class is being distanced from criticism of the problems faced by indigenous peoples. Furthermore, based on the number of urban residents who dominate the national population structure, it becomes clear how the government places more emphasis on the issue of economic growth, especially by opening new land for mining and its downstream programs or the fulfillment of national food. In doing so, the Indigenous people's rights, including the recognition of lands, are neglected under the national development programs.

The irony arises when democracy, which ideally becomes more accessible to every humanitarian issue, becomes nothing but a space that gathers several votes. Political parties are assumed to be instruments for creating social awareness, retaining a moment where the elite forms a system of knowledge that secures their position. Thus, democracy has been hijacked to become a machine that allows power transfer and changes in elite figures without emphasizing openness to the public.

What can be learned from big data lies in understanding how the function of the government is nothing but an operator that manages budget allocations to solve problems. Within a certain period, the government will analyze data on specific issues, then prepare budget allocations and measure the effectiveness of bureaucratic performance. In the logical flow of data, budget, and performance, the priority lies in solving prevalent problems to create the perception that the government is acting responsibly. At this point, how the government processes knowledge and public discourse and runs the bureaucracy to gain public trust should be seen as relations that drive the existence of civil society.

The government, which claims to carry out a mandate by displaying data to ensure the achievement of development goals, becomes the party that validates the data.³³ Thus, data issues must be reflected in the framework of state terrorism. Not only does the emergence of regulations related to data create minimal space for public participation, but also the regulations that position the State as a force that is not touched by the law.³⁴ The extent of specificity that the government holds in the name of the legislation is crucial in seeing how data can turn into a new control system. The system for collecting, processing, and using data categorizes and determines citizens according to specific standards, which can also determine social positions with algorithmic formulations. Thus, the diversity of traps created in this structured and layered manner has introduced monitoring and control and will always be a way to generate and eliminate knowledge on the issue of human rights struggles.

32 Udiana Puspa Dewi, "The fate of indigenous peoples in Indonesia: neglected, marginalized, having no clear legal protection", (2022), online: <<https://theconversation.com/nasib-community-adat-di-indonesia-terabaikan-termarginalisasi-ntak-punya-perlindungan- Hukum-yang-untung-187878>>.

33 CNN Indonesia, "10 Criticisms of the NGO Coalition Regarding the PDP Bill: Discriminatory to the point of Incomplete", (2022), online: <<https://www.cnnindonesia.com/technology/20220920075545-192- 850094/10-kritik-koalisi-lsm-soal-ruu-pdp-discriminative-till-tak-lengkap/2>>.

34 Al Khanif, "Introduction: Shrinking Civic Space in Indonesia" (2021) 5:1 J Southeast Asian Hum Rights.

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