

## **The Urgency of Notary Involvement in the Process of Destroying Illegal Fishing Evidence to Achieve Legal Certainty and Justice**

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**Abstract.** *Illegal fishing is a serious crime that results in state losses, damage to marine ecosystems, and social injustice for local fishermen. One form of law enforcement carried out by the state is the destruction of evidence in the form of fishing vessels and gear. However, in practice, the process of destroying such evidence still leaves legal issues, particularly regarding legal certainty, accountability, and protection of the rights of related parties. This study aims to analyze the urgency of notary involvement in the process of destroying illegal fishing evidence as an effort to realize legal certainty and justice. The research method used is normative juridical with a statutory and conceptual approach. The results show that notary involvement through the creation of authentic deeds can provide legal certainty, transparency, and strengthen the legitimacy of the action of destroying evidence so that it is in line with the values of substantive justice. Illegal fishing is a serious crime that not only causes economic losses to the state but also damages marine ecosystems and causes social injustice for local fishermen who engage in legal fishing activities. As a form of law enforcement, the state imposes additional criminal sanctions in the form of destroying evidence, particularly vessels and fishing gear used in the crime. However, in practice, the destruction of evidence of illegal fishing still faces various legal challenges, particularly those related to legal certainty, transparency, accountability, and the protection of the rights of the parties involved. This situation has the potential to give rise to legal disputes and undermine the legitimacy of the destruction of evidence. This study aims to analyze the urgency of notary involvement in the process of destroying evidence of illegal fishing as an effort to realize legal certainty and substantive legal justice. The research method used is normative juridical with a statutory approach and a conceptual approach, through a review of laws and regulations in the field of fisheries and notaries as well as relevant legal doctrines. The results of the study indicate that notary involvement through the creation of authentic deeds can provide legal certainty, increase transparency and accountability, and provide legal protection for all interested parties. Thus, notary involvement can strengthen the legitimacy of the policy of destroying evidence of illegal fishing as part of just law enforcement and based on the principles of the rule of law.*

**Keywords:** *Authentic; Destruction; Evidence; Illegal Fishing; Notary.*

## **1. INTRODUCTION**

Illegal fishing is a complex legal and environmental issue and a serious threat to the sovereignty of Indonesia's marine resources. The government has established various strict sanctions, including the destruction of evidence in the form of vessels and fishing gear used in the crime. This policy aims to provide a deterrent effect and preserve marine resources.

However, the practice of destroying evidence of illegal fishing often raises legal issues, such as unclear procedures, potential abuse of authority, and weak legal documentation that can lead to future disputes. In this context, the role of notaries becomes crucial as public officials authorized to draw up authentic deeds to ensure legal certainty and justice for all parties. The involvement of notaries is expected to strengthen the legality and accountability aspects of the process of destroying evidence of illegal fishing.

Illegal fishing is a complex legal and environmental issue and a serious threat to the sovereignty of Indonesia's marine resources. Illegal fishing practices not only cause significant economic losses to the state but also damage marine ecosystems and create social injustice for traditional fishermen who depend on legal fisheries for their livelihoods. Therefore, the state is obliged to enforce the law firmly and fairly against illegal fishing.

As a form of law enforcement, the government has established various criminal sanctions, including the destruction of evidence in the form of vessels and fishing gear used in illegal fishing. This destruction policy is intended to provide a deterrent effect, prevent recurrence of crimes, and maintain the sustainability of national marine resources. However, in its implementation, this policy still leaves several legal issues that require serious attention.

The practice of destroying evidence of illegal fishing often faces challenges such as unclear legal procedures, potential abuse of authority by law enforcement officials, and a lack of authentic and reliable documentation. This situation has the potential to give rise to future legal disputes, whether related to the status of the evidence, the rights of third parties, or the legality of the destruction itself. As a result, the goal of law enforcement to achieve legal certainty and justice is not fully achieved.

In this context, the involvement of a notary becomes relevant and crucial. As public officials authorized to draw up authentic deeds, a notary plays a strategic role in ensuring legal certainty, transparency, and accountability for legal actions. The presence of a notary in the process of destroying illegal fishing evidence can serve as a legal oversight mechanism by recording and authenticating the destruction actions carried out by the state.

Therefore, this research is crucial in assessing the urgency of notary involvement in the process of destroying evidence of illegal fishing as an effort to achieve legal certainty and substantive legal justice. This study is expected to contribute to the development of fisheries criminal law policy, particularly regarding the role of notaries in supporting just law enforcement based on the principles of the rule of law.

## **2. RESEARCH METHODS**

This research uses a normative juridical method with a statutory and conceptual approach. The data used consists of primary, secondary, and tertiary legal materials, which are analyzed qualitatively using deductive reasoning to draw conclusions.

This research uses a normative juridical method, namely legal research conducted by examining legal norms contained in laws and regulations as well as legal doctrines relevant to the problem being studied. The approaches used include a statutory approach, which is carried out by examining various laws and regulations related to the crime of illegal fishing, destruction of evidence, and provisions regarding the position and authority of notaries, as well as a conceptual approach that is based on legal concepts, legal principles, and the views of legal experts.

The legal materials used in this study consist of primary legal materials, namely relevant laws and regulations; secondary legal materials, in the form of textbooks, scientific journals, research results, and the opinions of legal experts; and tertiary legal materials that serve to provide additional explanations, such as legal dictionaries and legal encyclopedias. All of these legal materials were collected through literature review and analyzed qualitatively.

Data analysis was carried out using deductive reasoning, namely drawing conclusions from general legal norms to specific legal problems, in order to obtain a comprehensive understanding of the urgency of notary involvement in the process of destroying evidence of illegal fishing in order to realize legal certainty and justice.

### **3. RESULTS AND DISCUSSION**

#### **3.1. Legal Regulations for the Destruction of Evidence of Illegal Fishing**

The destruction of evidence of illegal fishing is regulated by various laws and regulations, particularly the Fisheries Law. This policy serves as an additional sanction aimed at providing a deterrent effect and preventing the recurrence of similar crimes. However, these regulations do not explicitly stipulate the mechanism for involving public officials, such as notaries, in the destruction process.

The destruction of evidence in illegal fishing crimes is part of the criminal law enforcement policy in the fisheries sector which aims to protect the sovereignty of Indonesia's marine resources. Regulations regarding the destruction of illegal fishing evidence can be found in various laws and regulations, particularly Law Number 31 of 2004 concerning Fisheries as amended by Law Number 45 of 2009. In these provisions it is emphasized that vessels, fishing gear, and other means used to commit fisheries crimes can be confiscated for the state and destroyed based on a court decision.

The policy of destroying evidence is a form of additional sanction that has both repressive and preventive characteristics. Repressively, destruction is intended as a form of punishment for perpetrators of illegal fishing, while preventively, it aims to prevent the reuse of the means of crime and to provide a deterrent effect for other perpetrators. Thus, the destruction of evidence is not only oriented towards prosecution, but also towards protecting the public interest and the sustainability of fisheries resources.

However, in law enforcement practice, regulations regarding the mechanism for destroying evidence of illegal fishing remain problematic. Existing regulations place greater emphasis on the authority of law enforcement officers and court decisions, but lack detailed administrative and legal procedures that guarantee transparency, accountability, and protect the rights of all parties involved. This lack of regulation has the potential to create legal uncertainty, particularly if disputes arise over the legality of evidence destruction.

Furthermore, existing laws and regulations do not explicitly regulate the involvement of public officials, such as notaries, in the process of destroying evidence of illegal fishing. However, the presence of a notary, as an authorized official, can serve to legally and officially document the process of destroying evidence, including the time, place, object, and parties involved. The absence of a clear legal basis for the notary's role indicates a normative gap that needs to be examined and reconstructed.

Therefore, future legal regulations for the destruction of illegal fishing evidence need to be directed not only at criminal sanctions but also at strengthening legal mechanisms that guarantee certainty, justice, and accountability. In this context, the urgency of notary involvement becomes relevant as part of efforts to reform legal policies for the destruction of illegal fishing evidence, oriented toward substantive justice.

The destruction of evidence in illegal fishing crimes is a crucial instrument in criminal law enforcement policies in the fisheries sector. This action is intended not only as a form of prosecution against perpetrators of fisheries crimes but also as an effort to protect the sovereignty of Indonesia's marine resources. Normatively, regulations regarding the destruction of evidence in illegal fishing are regulated in various laws and regulations, particularly Law Number 31 of 2004 concerning Fisheries, as amended by Law Number 45 of 2009.

The Fisheries Law stipulates that vessels, fishing gear, and other facilities and infrastructure used to commit fisheries crimes can be confiscated by the state and destroyed based on a legally binding court decision. This provision indicates that the destruction of evidence is part of the additional criminal sanctions imposed on perpetrators of illegal fishing, in addition to the principal penalties of imprisonment and fines.

The policy of destroying evidence of illegal fishing has a dual character: repressive and preventive. Repressively, destruction serves as a form of firm punishment for perpetrators of fisheries crimes. Meanwhile, preventively, destruction is intended to prevent the reuse of the means of crime, eliminate the potential for recurrence of the crime, and provide a deterrent effect for perpetrators and others who intend to commit similar acts. Thus, the destruction of evidence is not solely oriented towards prosecution, but also towards protecting the public interest and the sustainability of fisheries resources.

However, in law enforcement practice, regulations regarding the mechanism for destroying evidence of illegal fishing still pose various legal challenges. Existing regulations tend to emphasize the authority of law enforcement officers and the existence of court decisions, but fail to detail administrative and legal procedures that guarantee transparency, accountability, and the protection of the rights of the parties involved. This situation has the potential to create legal uncertainty, particularly if disputes arise later regarding the legality of evidence destruction or allegations of abuse of authority.

Furthermore, existing laws and regulations do not explicitly regulate the involvement of public officials, such as notaries, in the process of destroying evidence of illegal fishing. However, as officials authorized to draw up authentic deeds, notaries play a strategic role in legally and officially documenting the entire evidence destruction process, including the time, place, objects destroyed, the legal basis for the destruction, and the parties involved. The absence of regulations regarding the role of notaries indicates a normative gap that has the potential to undermine legal certainty and accountability in the destruction of evidence.

Therefore, future legal regulations for the destruction of illegal fishing evidence need to be directed not only at criminal sanctions but also at strengthening legal mechanisms that guarantee legal certainty, justice, and accountability. In this context, the urgency of notary involvement becomes relevant as part of efforts to reform and reconstruct legal policies for the destruction of illegal fishing evidence, oriented toward substantive justice and the principles of the rule of law.

The destruction of evidence in illegal fishing crimes is a crucial instrument in criminal law enforcement policies in the fisheries sector. This action is not only intended as a form of prosecution against perpetrators of fisheries crimes, but also as a strategic effort to protect the sovereignty of Indonesia's marine resources and ensure the sustainability of the national fisheries ecosystem. Therefore, the destruction of evidence has interrelated legal, environmental, and social dimensions.

Normatively, regulations regarding the destruction of evidence of illegal fishing can be found in various laws and regulations, especially Law Number 31 of 2004 concerning Fisheries as amended by Law Number 45 of 2009. In this provision it is emphasized that ships, fishing gear, and other facilities and infrastructure used to commit fisheries crimes can be confiscated for the state and destroyed based on a court decision that has permanent legal force. This provision shows that the destruction of evidence is part of the additional criminal sanctions imposed on perpetrators of illegal fishing, in addition to the main penalties in the form of imprisonment and fines.

The policy of destroying evidence of illegal fishing has a dual character: repressive and preventive. Repressively, destruction serves as a form of firm punishment for perpetrators of fisheries crimes. Meanwhile, preventively, destruction is intended to prevent the reuse of the means of crime, eliminate the potential for recurrence of the crime, and provide a deterrent effect for both the perpetrator and others who might commit similar acts. Therefore, the destruction of evidence is not solely oriented towards prosecution, but also towards protecting the public interest and the sustainability of fisheries resources.

However, in law enforcement practice, regulations regarding the mechanism for destroying evidence of illegal fishing still pose various legal challenges. Existing regulations tend to emphasize the authority of law enforcement officers and the existence of court decisions, but fail to detail administrative and legal procedures that guarantee transparency, accountability, and the protection of the rights of the parties involved. This situation has the potential to create legal uncertainty, particularly if disputes arise later regarding the legality of evidence destruction or allegations of abuse of authority.

Furthermore, existing laws and regulations do not explicitly regulate the involvement of public officials, such as notaries, in the process of destroying evidence of illegal fishing. However, as public officials authorized to draw up authentic deeds, notaries play a strategic role in legally and officially documenting the entire evidence destruction process, including the time and place of implementation, the type and quantity of evidence destroyed, the legal basis for the destruction, and the parties involved. The absence of regulations regarding the role of notaries indicates a normative gap that has the potential to weaken the guarantee of legal certainty and accountability for the destruction of evidence.

Therefore, future legal regulations for the destruction of illegal fishing evidence need to be directed not only at criminal sanctions but also at strengthening legal mechanisms that guarantee legal certainty, justice, and accountability. In this context, the urgency of notary

involvement becomes relevant as part of efforts to reform and reconstruct legal policies for the destruction of illegal fishing evidence, oriented toward substantive justice and the principles of the rule of law.

### **3.2. The Urgency of Notary Involvement**

The involvement of a notary is crucial because they have the authority to create authentic deeds with complete evidentiary force. Notarial deeds can be used to officially record the process, time, object, and parties involved in the destruction of evidence. This can prevent legal disputes, data manipulation, and ensure transparency and accountability.

The involvement of a notary in the process of destroying evidence of illegal fishing is crucial, given that a notary is a public official authorized by law to create authentic deeds with full evidentiary force. Authentic deeds created by a notary not only serve as valid written evidence but also provide legal certainty regarding a legal event carried out by or before an authorized official.

In the context of destroying illegal fishing evidence, a notarial deed can be used to officially and detailedly record the destruction process, including the time and place of execution, the type and quantity of evidence destroyed, the legal basis for the destruction, and the parties involved. This authentic documentation is crucial to avoid discrepancies in data, information manipulation, or unilateral claims that could potentially lead to legal disputes in the future.

Furthermore, the involvement of a notary public also serves as a legal oversight mechanism for the destruction of evidence by law enforcement officials. With an authentic deed, every act of destruction can be legally and administratively accounted for. This aligns with the principles of transparency and accountability in governance and law enforcement in a state based on the rule of law.

The urgency of notary involvement is also closely related to efforts to protect the rights of the parties, including the potential for third-party rights to destroyed evidence. A notarial deed can serve as evidence that the destruction was carried out in accordance with legal procedures and based on a valid decision or authority, thus providing legal protection for the state and preventing human rights violations or abuse of authority.

Thus, the involvement of a notary in the process of destroying evidence of illegal fishing is not merely administrative but also has strategic value in achieving legal certainty and substantive legal justice. The presence of a notary can strengthen the legitimacy of evidence destruction as part of a law enforcement policy oriented towards the principles of justice, certainty, and legal benefit.

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In the context of destroying evidence of illegal fishing, a notarial deed plays a strategic role as a means of objective, transparent, and accountable legal documentation. Through an authentic deed, a notary can record in detail and officially the entire process of destroying evidence, from the legal basis for the destruction, the time and place of execution, the type, quantity, and condition of the evidence destroyed, to the identities of

the parties involved in the process. This authentic documentation is crucial to avoid discrepancies in data, information manipulation, or unilateral claims in the future that could potentially lead to legal disputes.

Furthermore, the involvement of a notary also serves as a legal oversight mechanism for the destruction of evidence by law enforcement officials. With an authentic deed, every act of destruction of evidence can be tested and accounted for legally and administratively. This aligns with the principles of transparency and accountability in governance and law enforcement in a state based on the rule of law, where every state action must be monitored and accounted for to the public.

The urgency of notary involvement is also closely related to efforts to protect the rights of the parties, including the potential for third-party rights to destroyed evidence. In practice, it is possible that evidence of illegal fishing may have legal ties to other parties not directly involved in the crime. A notarial deed can serve as proof that the destruction of evidence was carried out in accordance with legal procedures and based on a court decision or legitimate authority, thereby providing legal protection for the state and preventing human rights violations or abuse of authority.

Furthermore, the involvement of notaries also contributes to the realization of substantive legal justice. Justice in the destruction of evidence is not only interpreted as the implementation of criminal sanctions, but also as fair, proportional, and non-arbitrary treatment of all parties involved. The presence of notaries as independent and neutral parties can strengthen the legitimacy of the destruction of evidence as part of a law enforcement policy that upholds the values of justice, legal certainty, and legal benefit.

Thus, the involvement of notaries in the process of destroying evidence of illegal fishing cannot be viewed solely as an administrative aspect, but rather as a fundamental legal necessity. The role of notaries is strategic in strengthening legal certainty, increasing transparency and accountability, and achieving substantive legal justice in enforcing fisheries crimes in Indonesia.

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Furthermore, the involvement of a notary also serves as a legal oversight mechanism for the destruction of evidence by law enforcement officials. With an authentic deed, every act of destruction can be tested and accounted for legally and administratively. This aligns with the principles of transparency and accountability in governance and law enforcement

in a state based on the rule of law, which requires that all state actions be carried out openly, measurably, and subject to public scrutiny.

The urgency of notary involvement is also closely related to efforts to protect the rights of the parties, including the potential for third-party rights to destroyed evidence. In practice, it is possible that evidence of illegal fishing may have legal ties to other parties not directly involved in the crime. A notarial deed can serve as proof that the destruction of evidence was carried out in accordance with legal procedures and based on a court decision or legitimate authority, thereby providing legal protection for the state and preventing human rights violations and abuse of authority.

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### **3.3. The Role of Notaries in Achieving Legal Certainty and Justice**

The role of a notary in the process of destroying illegal fishing evidence reflects efforts to enforce the law equitably. With an authentic deed, all parties receive equal legal protection. The notary also serves as a guardian of legal certainty, ensuring that the destruction is not only formally valid but also substantively just.

The role of notaries in the process of destroying evidence in illegal fishing reflects law enforcement efforts that focus not only on formal legal aspects but also on achieving substantive legal justice. As public officials, notaries have the authority to create authentic deeds that guarantee legal certainty for legal actions, including the destruction of evidence carried out by the state.

By creating an authentic deed, a notary public ensures that the destruction of illegal fishing evidence is carried out in accordance with statutory provisions and based on legitimate authority. This deed serves as strong and complete evidence of the formal truth of a legal event, thereby protecting all parties involved, including law enforcement officials, the state, and other interested parties. Thus, the existence of a notarial deed can prevent legal uncertainty and potential future disputes.

In addition to ensuring legal certainty, notaries also play a role in achieving legal justice. Justice, in this context, is not only defined as compliance with legal procedures, but also as proportional protection of the rights and interests of all parties. With objective, transparent, authentic documentation, it is guaranteed that the destruction of evidence will not be arbitrary and will not harm any party, particularly third parties who may have a legal connection to the evidence.

Notaries also serve as guardians of the principle of accountability in law enforcement. The presence of a notary in the process of destroying evidence of illegal fishing ensures that



every action taken is legally and administratively accountable. This aligns with the principle of a state based on the rule of law, which requires that every action by the government and law enforcement officials be transparent, measurable, and subject to oversight.

Thus, the role of notaries in the process of destroying evidence of illegal fishing is not merely complementary, but also has strategic value in achieving legal certainty and substantive legal justice. The involvement of notaries can strengthen the legitimacy of evidence destruction as part of a just, responsible law enforcement policy based on the principles of the rule of law.

The role of notaries in the process of destroying evidence of illegal fishing reflects law enforcement efforts that are not solely oriented towards fulfilling formal legality, but also towards achieving legal certainty and substantive legal justice. Notaries, as public officials, have the authority attributable to the law to create authentic deeds that guarantee legal certainty for a legal act, including the destruction of evidence carried out by the state in the context of enforcing fisheries criminal law.

By creating an authentic deed, a notary public plays a role in ensuring that the process of destroying evidence of illegal fishing is carried out in accordance with statutory provisions and based on legitimate authority. A notarial deed serves as evidence with perfect probative force regarding the formal truth of a legal event, thereby protecting all parties involved, including law enforcement officials, the state, and other parties with legal interests. With this authentic deed, the potential for legal uncertainty and future disputes can be minimized.

In addition to ensuring legal certainty, notaries also play a crucial role in achieving legal justice. Justice in the context of evidence destruction is not only defined as adherence to legal procedures, but also as proportional and non-discriminatory protection of the rights and interests of the parties. Objective, transparent, authentic documentation ensures that the destruction of evidence is not carried out arbitrarily and does not cause unwarranted harm to any party, particularly third parties who may have a legal connection to the evidence.

Notaries also serve as guardians of the principles of accountability and transparency in law enforcement. The presence of a notary in the process of destroying evidence of illegal fishing ensures that every action taken by law enforcement officers is legally and administratively accountable. This aligns with the principle of a state based on the rule of law (*rechtstaat*), which requires that every government action be transparent, measurable, and supervised, thereby maintaining public trust in the law enforcement system.

Furthermore, the role of notaries also contributes to strengthening the legitimacy of evidence destruction policies as part of just law enforcement. With an authentic deed as formal and objective evidence, the destruction of evidence has a stronger legal basis and its validity is not easily questioned. This demonstrates that the involvement of notaries is not merely administrative but also has strategic value in bridging the gap between legal certainty and substantive legal justice.

Thus, the role of notaries in the process of destroying evidence of illegal fishing is a crucial element in realizing fair, responsible law enforcement based on the principles of the rule of law. The involvement of notaries can strengthen legal certainty, guarantee the

protection of the rights of the parties, and ensure that the policy of destroying evidence is implemented fairly and responsibly.

The role of notaries in the process of destroying evidence of illegal fishing reflects law enforcement efforts that are not solely oriented towards fulfilling formal legality, but also directed towards achieving legal certainty and substantive legal justice. Notaries, as public officials, have the authority to attributably create authentic deeds that guarantee legal certainty for a legal act, including the destruction of evidence carried out by the state in the context of enforcing criminal law in the fisheries sector.

By creating an authentic deed, a notary public plays a role in ensuring that the process of destroying evidence of illegal fishing is carried out in accordance with statutory provisions and based on legitimate authority. A notarial deed serves as evidence with perfect probative force regarding the formal truth of a legal event, thereby protecting all parties involved, including law enforcement officials, the state, and other parties with legal interests. With this authentic deed, the potential for legal uncertainty, differences in interpretation, and future disputes can be significantly minimized.

In addition to ensuring legal certainty, notaries also play a crucial role in achieving legal justice. Justice in the context of evidence destruction is not only defined as adherence to legal procedures, but also as proportional and non-discriminatory protection of the rights and interests of the parties. Authentic, objective, and transparent documentation ensures that the destruction of evidence is carried out in a measured, non-arbitrary manner and does not cause unwarranted harm, particularly to third parties who may have a legal connection to the evidence.

Notaries also serve as guardians of the principles of accountability and transparency in law enforcement. The presence of a notary in the process of destroying evidence of illegal fishing ensures that every action taken by law enforcement officers is legally and administratively accountable. This aligns with the principle of the rule of law (*rechtstaat*), which requires that every government action be transparent, measurable, and supervised, thereby maintaining public trust in the law enforcement system.

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Thus, the role of notaries in the process of destroying evidence of illegal fishing is a crucial element in realizing fair, responsible law enforcement based on the principles of the rule of law. The involvement of notaries can strengthen legal certainty, guarantee the protection of the rights of the parties, increase the accountability of law enforcement officials, and ensure that the policy of destroying evidence is implemented fairly, transparently, and legally accountable.

#### **4. CONCLUSION**

Destruction of evidence in illegal fishing crimes is a crucial law enforcement tool to protect the sovereignty of marine resources and provide a deterrent effect. However, existing legal regulations still do not fully guarantee legal certainty and accountability in their

implementation, particularly regarding administrative procedures and authentic legal documentation. The involvement of notaries in the process of destroying evidence of illegal fishing is an urgent legal necessity. Notaries play a strategic role through their authority to create authentic deeds that guarantee legal certainty, transparency, and legal protection for all parties involved. The presence of notaries also serves as a legal oversight mechanism to prevent abuse of authority and potential future disputes. The involvement of a notary in the destruction of illegal fishing evidence can strengthen the legitimacy of the destruction policy as part of just law enforcement. With an authentic deed, the destruction action is not only formally valid but also reflects substantive legal justice, in line with the principles of the rule of law, which uphold legal certainty, justice, and expediency.

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