



Conflict and Family Law Issues in Shia Groups

Article	Abstract
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Introduction

The discourse on Sunni-Shia relations in Indonesia continues to be in the spotlight in religious, social, and political discourse, especially in the last two decades. Although Indonesia is known as a pluralistic country that upholds religious freedom, the dynamics of inter-sectarian relations in Islam show that there are ongoing tensions. Amidst the dominance of Sunnis as the majority group, the Shia community, as one of the Islamic minorities, faces various forms of marginalization, ranging from stigmatization and restrictions on religious activities to acts of violence. This is inseparable from the strengthening of anti-Shia sentiment driven by conservative and radical groups who seek to "standardize" the identity of Indonesian Islam into one mainstream, namely Sunni.¹

The anti-Shia phenomenon in Indonesia does not stand alone, but is linked to global dynamics involving the influence of transnational ideologies, especially from Middle Eastern countries.

¹ Al Makin, "Homogenizing Indonesian Islam: Persecution of the Shia Group in Yogyakarta," *Studia Islamika* 24, no. 1 (2017): 97.

In addition, the role of religious institutions such as the Indonesian Ulema Council (MUI) and local organizations has reinforced the narrative of Shia deviance. Various forms of campaigns, seminars, preaching, fatwas, and political pressure contribute to the emergence of intolerance that worsens the position of the Shia community in the Indonesian social structure. Major events such as the 2012 Sampang tragedy became a critical point that showed the escalation of violence and polarization at the national level.²

However, resistance to discrimination also emerged from a number of moderate Muslim figures who sought to uphold the principle of diversity and guarantee the rights of minorities. In some areas, such as Yogyakarta, tensions between Shia groups and anti-Shia organizations reveal the complexity of the relationship between society, the state, and religious authorities in responding to intra-Islamic diversity. This situation confirms that the Shia issue is not only a theological matter, but also relates to identity politics, power, and religious legitimacy.³

The conflict between Sunni and Shia groups is a sensitive issue that has been going on for centuries and has implications for relations between Muslims in various parts of the world.⁴ The main source of this division stems from political issues, namely the struggle for power after the death of the Prophet Muhammad SAW, which was essentially dominated by political interests, not entirely religious intrigue. This power conflict initially involved the descendants of the Umayyads and the Hashimites, but was later drawn into religious and doctrinal issues in an effort to gain legitimacy and sympathy. A crucial issue raised by the Shiite group regarding the Sunni sect is the legality of the power of the Khulafaur Rasyidin, namely Abu Bakar, Umar, and Uthman, who are considered to have no legitimacy because they seized the right of inheritance that should have belonged to Imam Ali.⁵ Differences in theological beliefs and historical development, particularly regarding the concept of Imamah, demonstrate the complexity of the relationship between the two sects.⁶

Although both Sunni and Shia agree to use the Quran and Sunnah as the main sources of law, significant differences arise in the realm of *furu'iyah* (branches of religion) and the methodology of interpretation of the imams of the *madhhabs* who are used as references. Methodologically, Sunnis consider *Qiyas* to be a source of law after the Quran, Sunnah, and *Ijma'*, while Shiites reject *Qiyas* and defer more to the authority of imams who are believed to have the intellectual brilliance to explain the law.⁷ This difference of opinion extends to issues of family law (*fiqh muamalah*), for example, regarding the issue of *mut'ah* marriage, which is still permitted in the Shia school of thought but has been prohibited by the Sunni school of thought.⁸ In Indonesia, tensions arising from these differences in understanding manifest themselves in local conflicts that escalate into

² Greg Fealy, "Indonesian Politics in 2012 Graft, Intolerance, and Hope of Change in the Late Yudhoyono Period," *Southeast Asian Affairs* 2013, 2013, 103–20, <https://doi.org/10.1355/aa13-1h>.

³ Muhammad Taufik, "Keluar Dari Tekanan: Konstruksi Gerakan Syi'ah Di Yogyakarta: (Studi Terhadap Lembaga Rausyan Fikr)," *Rausyan Fikr: Jurnal Ilmu Studi Ushuluddin Dan Filsafat* 15, no. 2 SE-Articles (January 2020): 405–41, <https://doi.org/10.24239/rsy.v15i2.491>.

⁴ Herman Herman, Hamzah Harun, and Andi Aderus, "Suni Dan Syiah (Titik Perbedaan Dan Perseteruan)," *Edu Sociata (Jurnal Pendidikan Sosiologi)* 7, no. 1 (2024): 551–59, <https://doi.org/10.33627/es.v7i1.2046>.

⁵ Adly Aqsha and Andi Aderus, "Melacak Akar Permasalahan Hubungan Sunni Dan Syiah Adly," *Tolis Ilmiah: Jurnal Penelitian* 7, no. 1 (2022): 8–16; Zahrotul Faridah et al., "Dinamika Konflik Sunni Dan Syiah," *Esensi Pendidikan Inspiratif* 7, no. 2 (2025): 343, <https://journalpedia.com/1/index.php/epi/index>.

⁶ Herman, Harun, and Aderus, "Suni Dan Syiah (Titik Perbedaan Dan Perseteruan)."

⁷ Faridah et al., "Dinamika Konflik Sunni Dan Syiah."

⁸ Herman, Harun, and Aderus, "Suni Dan Syiah (Titik Perbedaan Dan Perseteruan)."

national and international issues, such as the conflict in Sampang, which, although triggered by a family dispute between Tajul Muluk (Shia) and Rois al-Hukama' (Sunni), quickly involved highly sensitive religious issues and even interacted with local cultures of violence such as the tradition of carok.⁹

In this context, the issue of interfaith marriages between Sunnis and Shiites and the debate surrounding mut'ah marriages demonstrate how doctrinal differences have direct implications for the social life of the community. These practices not only give rise to pros and cons among families and communities, but also challenge religious authorities in defining what is considered legitimate or deviant. This article comprehensively discusses the dynamics of Sunni-Shia relations in Indonesia, particularly in relation to anti-Shia campaigns, the experiences of Shia communities in various regions, and sensitive issues such as interfaith marriage and mut'ah marriage. Using a historical, social, and theological approach, this article seeks to provide a more objective understanding of the complexity of Shia issues in Indonesia and how the state, society, and religious authorities respond to their existence.

Conflict and Pressure Against the Shia Group

Anti-Shia sentiment in this country is part of a larger scenario to standardize Sunni Islam in Indonesia, where many Islamic minorities, such as the Ahmadiyya group in various provinces in Indonesia, are attacked by radical groups and labeled as deviants by the Indonesian Ulema Council (MUI). Radical and conservative groups are trying to standardize Sunni Islam in Indonesia by "eliminating" those who are considered "deviants." Shiites are one of the groups that have been targeted.¹⁰

There are many activities carried out by anti-Shia groups with the aim of preventing or reducing the spread of Shia teachings in Indonesia. These activities include seminars, discussions, appeals to government authorities, and preaching. These four methods of anti-Shia preaching are aimed at all levels of society and the state, the general public and the elite. These approaches include cultural and structural approaches. In the eyes of the anti-Shia movement, it is not only the Sunni community that needs to be protected from the influence of Shia teachings, but the Indonesian government is also expected to take the decision to ban Shiaism in the country. The structural approach to the government has so far failed. There is one exception: the city of Mataram in West Nusa Tenggara. In June 2003, the mayor of Mataram issued an instruction banning Shia Islam in the city. The instruction stated that Shia Islam should not be spread to Sunni groups. This ban not only caused disappointment among Shia Muslims in Mataram but also negative reactions from some members of the Mataram community.¹¹

Shia Islam as a minority has faced marginalization since its arrival, with a lack of services and attention from the government. On the other hand, Sunni Islam, which is the majority, receives better treatment from the state.¹² There is a difference in the political treatment of religion

⁹ Syukron Mahbub, "Konflik Dan Kekerasan Sunni-Syiah Sampang Prespektif Kultur Kekerasan Dan Hak Asasi Manusia," *Voice Justisia Jurnal Hukum Dan Keadilan* 2, no. 1 (2018).

¹⁰ Makin, "Homogenizing Indonesian Islam: Persecution of the Shia Group in Yogyakarta."

¹¹ Zulkifli, "Sunni Responses to Shi'ism," in *The Struggle of the Shi'is in Indonesia* (ANU Press, 2013), hlm. 89.

¹² Rifa'i Abubakar, Syamsul Anwar, and Haedar Nashir, "Gerakan Syi'Ah Mempertahankan Eksistensinya Dalam Konstelasi Politik Keagamaan Di Indonesia," *Jurnal Komunikasi Dan Pendidikan Islam* 7, no. 1 (2018): 115-38, <https://doi.org/10.36668/jal.v7i1.70>.

between these two groups. The government, through the Ministry of Religious Affairs, does not provide special treatment to the Shia group, such as financial assistance from the state budget for Shia organizations, human resource development, or special recognition of Shia leaders. However, the existence of Shia is not prohibited in Indonesia. This treatment differs from that given to Sunni groups represented by organizations such as Muhammadiyah, NU, and others.¹³

Amid growing anti-Shia sentiment in Indonesia, Shia groups in the country can count on a number of prominent Muslim intellectuals who tend to protect them as a religious minority. These include Nurcholish Madjid, Abdurrahman Wahid, and Amien Rais, all of whom are known for their moderate or sympathetic views toward Shia Islam and its adherents. They have been criticized by anti-Shia factions who accuse them of giving Shia Muslims space to spread their teachings and of at least indirectly contributing to the growth of Shia Islam in Indonesia.¹⁴

In 2012, there was a massive outbreak of intolerance, with the issue of intolerance significantly increasing towards the Shia minority group, both in terms of the level of violence and the polarizing effect among the government and mainstream Muslim society. Prior to 2012, the main targets of intolerance were the Ahmadiyya, who were considered “deviant,” and Christian places of worship. Of course, both groups continued to experience executions and occasional physical attacks.¹⁵

Anti-Shia hostility became the focus of national and international attention on August 26, 2012, when a mob of several hundred Sunni Muslims attacked the Shia community in Sampang, Madura. Two Shia were killed and thirty-five houses were destroyed. This occurred because a group of people who were previously Sunni had converted to Shia and were conducting Shia-based religious study groups led by Tajul Muluk.¹⁶

The outbreak of violence against Shia groups has elicited mixed responses. Conservative Muslim groups, particularly Salafi activists who have long been hostile toward Shia, blame Tajul and his followers for the violence and call for a ban on Shia in Indonesia on the grounds that Shia is un-Islamic and a source of social conflict. Many anti-Shia groups receive funding from Saudi Arabia and other sources in the Middle East that encourage anti-Shia activism.¹⁷ From an international perspective, it is clear that the anti-Shia movement in Indonesia receives strong support from Middle Eastern countries, particularly Saudi Arabia, while the Shia movement receives support from Iran.¹⁸

The Shia case is significant because it highlights the narrowing of religious discourse in Indonesia and the increasing role of the state in defining what constitutes part of the Muslim community. Although political groups and mainstream Muslims still accept Shia, pressure is emerging from conservative circles within society to restrict Shia activities.¹⁹

In Yogyakarta, the Shia community is also under pressure from Sunni or Ahlusunnah groups. A book discussion in 2013 entitled “Understanding and Being Aware of Shia Deviance in Indonesia”

¹³ Abubakar, Anwar, and Nashir.

¹⁴ Wahyu Iryana, Nina Herlina, and Kunto Sofianto, “Existence of Shia in Indonesia Between Traditional and Power of Government,” *Paramita: Historical Studies Journal* 28, no. 2 (2018).

¹⁵ Fealy, “Indonesian Politics in 2012 Graft, Intolerance, and Hope of Change in the Late Yudhoyono Period.”

¹⁶ Fealy.

¹⁷ Fealy.

¹⁸ Zulkifli, “Sunni Responses to Shi’ism.”

¹⁹ Fealy, “Indonesian Politics in 2012 Graft, Intolerance, and Hope of Change in the Late Yudhoyono Period.”

held at the University of Gajah Mada (UGM) mosque became a pretext used by oppressors to intimidate Shia groups in Yogyakarta. The controversial book was published by a number of people, including Yunahar Ilyas, who in 2013 claimed to be a member of the Indonesian Ulema Council (MUI).²⁰

Organizations that oppose the book have attempted to exert pressure and launch attacks as a result of discussions surrounding it. Members of the Islamic Jihad Front (FJI) and the Yogyakarta Islamic Community Forum are among the groups opposing the book. They have attempted to exert pressure and visit the Rausyan Fikr Foundation in Yogyakarta and the Murtadha Muthahhari Islamic boarding school, which are considered to be Shia foundations.²¹

At the end of 2013, the Shia group under the auspices of the Rausyan Fikr Foundation in Yogyakarta faced the threat of conflict. Relations between the Rausyan Fikr Foundation and the people of Yogyakarta during the period from 1995 to 2013 were harmonious, with no complaints or concerns from the community about the foundation's activities. However, this peaceful situation changed in November 2013, when the Rausyan Fikr Foundation learned that the Islamic Jihad Front (FJI) organization intended to dissolve it because of its status as a Shia center in Yogyakarta. This threat emerged before the celebration of Haul Imam Husain on November 14, 2013, also known as Ashura Day. The Rausyan Fikr Foundation was instructed to temporarily suspend its activities and discussions after this threat, which then triggered more demonstrations and threats. In addition to the suspended activities, the Rausyan Fikr Foundation's signboard was also taken down for security reasons. This caused the community around the foundation to be provoked by various accusations of hatred against Shia Islam spread through hate speech and posters in various corners of Yogyakarta. To maintain security, the Rausyan Fikr Foundation received assurances from Sultan HB X and the Yogyakarta Regional Police Chief. Additionally, the foundation also sought to hold a meeting with media journalists to clarify that the information about the Friday religious gathering was untrue, and to emphasize that the foundation was not the headquarters of the Shia community, as had been spread in the circulating rumors.²²

The Yogyakarta government initiated a dialogue with various religious organizations to address the issue of the Shia presence in Yogyakarta, but the dialogue did not produce a satisfactory solution. There was no indication that the dialogue was leading to a healthy and open understanding that would satisfy all parties involved. After the dialogue, there was no satisfactory agreement between the Rausyan Fikr Foundation and the Islamic Jihad Front (FJI). This prompted the Yogyakarta MUI to issue a fatwa prohibiting Shia activities in Yogyakarta. Although it is part of Indonesia's cultural diversity, Shia Islam has not received legal protection comparable to other non-Sunni sects.²³

Interfaith Marriage Between Sunni and Shia: Challenges and Community Responses

The issue of Shia groups also extends to the aspect of marriage. As explained by Nita Zuliana

²⁰ Muhammad Taufik, "Keluar dari Tekanan: Konstruksi Gerakan Syi'ah di Yogyakarta: (Studi Terhadap Lembaga Rausyan Fikr)," *Rausyan Fikr: Jurnal Ilmu Studi Ushuluddin dan Filsafat* 15, no. 2 SE-Articles (January 18, 2020): 405–41.

²¹ Taufik.

²² Resti Tri Widyadara, "Konflik Sunni-Syiah di Indonesia," *Religi* XI, no. 2 (2015), hlm. 300.

²³ Resti Tri Widyadara.

Wati in her thesis in Kampung Arab Bondowoso, there is an interesting social phenomenon, namely marriage between individuals from the Sunni and Shia sects. This location is in East Java Province, which has previously experienced tensions related to conflicts between Sunnis and Shiites. Bondowoso is known as one of the areas prone to sectarian conflict. Nevertheless, in this village, there is a phenomenon of interfaith marriages between Sunnis and Shiites.²⁴

Although interfaith marriages have long existed in Bondowoso, there are still a number of challenges and disagreements that arise. These challenges can arise before or after marriage. Some couples have to go through a difficult process to obtain permission and blessing from their families, as well as adjusting their lives after marriage to differences in views, traditions, and customs in worship. In cases of interfaith marriage, some families disagree with their family members marrying someone from a different faith. The response of the Bondowoso community to interfaith marriage is generally positive, but there are some who disagree or even strongly oppose the practice.²⁵

Interfaith marriages also occur in Singapore, as written by Imad Alatas. Although the majority of Muslims in Singapore are Sunni, there is also a significant minority, namely the Shia group. In some countries where Muslims are in the majority, there are anti-Shia sentiments, but in Singapore there have been no incidents similar to those in other countries. Imad explains that differences in Islamic law between Sunnis and Shiites influence these interfaith marriages, but there are shared values or commonalities that play an important role in building strong families. Couples such as Hussein and Fatimah, respondents in Imad's research, emphasize the need for open communication and mutual understanding to overcome societal stereotypes and family rejection. This underscores that building trust and fostering understanding can bridge sectarian differences and create stronger family bonds.²⁶

Imad also explained the issue of raising children in a "Sushi" family (a term for someone married across sects, namely Sunni-Shia), where parents teach their children about both Sunni and Shia traditions. Through examples such as Khairul and Maryam, who encourage their daughters to explore and understand both traditions.²⁷

Pros and Cons of Mut'ah Marriage

According to the Shia perspective, mutah marriage occurs when a woman marries a man without facing any obstacles that would render the marriage invalid under Islamic law, as explained by Syarafuddin al-Musawy in his book. These obstacles can arise from issues of inheritance, lineage, breastfeeding, previous marriages, the iddah period, or other reasons established by religion. If these obstacles do not prevent a woman from marrying a man, she can do so by agreeing to a dowry and a specific time limit, as well as by signing a marriage contract that meets the Sharia requirements for its validity. Once an agreement has been reached, the woman declares her intention to marry the man, specifies the agreed-upon dowry, and determines the duration of

²⁴ Nita Zuliana Wati, "Fenomena Pernikahan Beda Aliran antara Sunni dengan Syiah Masyarakat Kampung Arab (Studi Kasus Di Bondowoso)" Tesis, (UIN Antasari Banjarmasin, 2021), hlm. 100.

²⁵ Wati.

²⁶ Imad Alatas, "Different in Jurisprudence but Not Values: A Snapshot of Sunni-Shia Marriages in Singapore," *The Karyawan*, 2022.

²⁷ Alatas.

the marriage (days, months, years, or a specific period). Then, the man must immediately accept the statement without responding with any other words.²⁸

According to the Shia group, mutah marriage is valid and lawful until the Day of Judgment. The Qur'an, Surah An-Nisa verse 24, provides the legal basis.

فَمَا اسْتَمْتَعْتُمْ بِهِ مِنْهُنَّ فَآتُوهُنَّ أُجُورَهُنَّ فَرِيضَةً

So give the women whom you have enjoyed (intercourse with) their dowry (in full) as an obligation.

Istimta'a in this verse is considered to refer to the practice of mut'ah marriage, although there is a view that this verse has been superseded by other verses or sunnah. According to this point of view, the prohibition of mut'ah marriage arose during the time of Caliph 'Umar bin Khattab in relation to the case of Ibn Harith. They argue that istimta'a means tamattu', which is enjoying sexual relations without going through conventional marriage. Similarly, the word ajr/ujur is interpreted more as payment for sexual services than as a dowry. Regarding this verse, Ubay bin Kaab, Ibn Abbas, Said bin Jubair, and As-Suday read it with the addition of *ila ajalin musamma* (until a certain time limit).²⁹

Therefore, Shia scholars justify the practice of mut'ah marriage on the grounds that this practice had not been abrogated (*nasakh*) during the time of the Prophet, and that the prohibition against it came from 'Umar bin Khattab after the death of the Prophet Muhammad SAW, not from the Prophet himself. If we agree that no one has the authority to prohibit something that has been permitted by the Prophet, then the prohibition imposed by the companion 'Umar bin Khattab on mut'ah marriage is interpreted as an administrative action based on specific interests in an administrative context and during a specific period of time. This means that the prohibition is not absolute, but relative and related to the government's decision at that time. Finally, some Shiite jurists still consider temporary marriage to be permissible provided certain conditions are met.³⁰

According to Sunni scholars, Umar bin Khattab did not independently prohibit temporary marriage. His actions were not considered an innovation in religion (*bid'ah*), but rather a prohibition in accordance with what had been prohibited by the Prophet Muhammad SAW. Ibn Umar bin al-Khattab stated that the Prophet Muhammad (peace be upon him) had previously permitted the practice of mut'ah marriage for three days, but later prohibited it. He even stated that if he knew someone was practicing mut'ah marriage after being legally married, he would punish them with stoning to death, unless the individual could bring four witnesses who stated that the Prophet had made it permissible again after previously prohibiting it. Thus, 'Umar bin Khattab reaffirmed the prohibition of mut'ah marriage after confirming that the practice of mut'ah had been prohibited and declared unlawful by the Prophet Muhammad. This was not a policy he devised himself, but rather he merely followed and enforced the prohibition established by the Prophet Muhammad (peace be upon him).³¹

²⁸ A.Syarafuddin Al-Musawiy, *Isu-Isu Penting Ikhtilaf Sunnah Syi'ah*, trans. Mukhlis (Bandung: Mizan, 1993), hlm. 120.

²⁹ Muslim b. al-Hajjaj al-Qushayri al-Naysaburi, *Sahih Muslim* (Beirut: Dar al-Kutub al-'Ilmiyyah, 1992), 1023, hlm. 290.

³⁰ Abd al-Rahman b. Abi Bakr al-Suyuti, *al-Dar al-Manthur fi al-Tafsir al-Ma'thur* (Beirut: Dar al-Kutub al- Ilmiyyah, 1990), hlm. 250.

³¹ M. Quraish Shihab, *Perempuan, dari Cinta sampai Seks, dari Kawin Mut'ah sampai Kawin Sunnah, dari Bias Lama sampai Bias Baru* (Jakarta: Lentera Hati, 2005), hlm. 34-36.

As explained earlier, there is a prohibition against mut'ah marriage in Sunni jurisprudence, whereas in Shia jurisprudence, mut'ah marriage is considered permissible. Muhajir and Kamil examined the opinions of Shia leaders in Yogyakarta regarding mut'ah marriage. The findings of the study show that the Shia community in Yogyakarta has a common understanding of the Shia fiqh school's position on the validity of mut'ah marriage. However, there are differences of opinion regarding its application in Indonesia. There are three different views: the first view states that marriage between Shia followers should be permitted, on the grounds that the situation and conditions in Iran and Indonesia are different; the second view states that marriage should be allowed as long as it is performed by Shia followers; and the third view states that marriage should be allowed unconditionally based on Ja'fari Shia fiqh, regardless of these differences. Although there are differences of opinion among Shia leaders in Yogyakarta, Muhajir and Kamil emphasize that these differences can be reconciled by acknowledging that although mut'ah marriage is not appropriate in everyday life, it can be considered in urgent situations by weighing the advantages and disadvantages.³²

In 1977, the Indonesian Ulema Council (MUI) issued a fatwa prohibiting the practice of mut'ah marriage. The fatwa was issued on October 25, 1977. In its explanation, the MUI stated that mut'ah marriage contradicts the objectives of sharia law in marriage contracts, which are to create family happiness and expand the family line.³³ Within the MUI institution, the majority of its members are from the Sunni group, so matters related to mut'ah marriage, which is still permitted in Shia Islam, are prohibited by the MUI, whose members are predominantly from the Sunni group, which prohibits mut'ah marriage.

Conclusion

The relationship between Sunnis and Shiites in Indonesia is complex and tense, influenced by theological, social, political, and global factors. Sunni dominance as the majority group, coupled with the strengthening of conservative and radical movements, has created a pattern of marginalization against the Shiite community. Anti-Shia campaigns in the form of seminars, preaching, fatwas, and political pressure reinforce the stigma that Shia are a "deviant" group, opening the door to discriminatory acts and violence. The 2012 Sampang case is clear evidence that conflict can escalate into a humanitarian tragedy. However, there are also moderate voices from Indonesian Muslim intellectuals who seek to uphold the values of pluralism and protect the rights of minorities. In Yogyakarta, resistance to discrimination reveals tensions between Shia groups, the community, religious organizations, and the government, confirming that the Shia issue is a multidimensional problem involving identity politics and religious authority. The issue of interfaith marriage between Sunnis and Shiites and the debate over mut'ah marriage show that theological differences affect not only religious discourse but also people's daily lives. While some communities are able to manage differences through communication and tolerance, others still face social rejection and differing religious rules. Overall, this article emphasizes that the existence of the Shia community in Indonesia faces structural and cultural challenges. There is a need for honest dialogue, state protection of minorities, and a moderate approach from religious leaders

³² Muhammad Muhajir and Muhammad Fadli Kamil, "Pandangan Tokoh Syiah Yogyakarta Tentang Nikah Mut'ah Dan Implementasinya Di Era Kontemporer," *Dialog* 44, no. 2 (2021).

³³ Fatwa MUI Tahun 1997 Tentang Nikah Mut'ah.

to create an inclusive religious life. Without joint efforts, the potential for sectarian conflict will continue to overshadow social and religious life in Indonesia.

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