



Research Article

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## The Political Law of Forest and Land Fire Management: A Case Study in Bengkalis and Meranti Islands Regency, Riau Province, Indonesia

Mexsasai Indra<sup>1</sup>

Dessy Artina<sup>1</sup>

Ledy Diana<sup>1</sup>

Adi Tiaraputri<sup>1</sup>

Muhammad A. Rauf<sup>1</sup>

Dwi Murniati<sup>1</sup>

Rini Oktiwi Ningsih<sup>2</sup>

<sup>1</sup>Department of Law Sciences,  
Faculty of Law, University of Riau,  
Indonesia

<sup>2</sup>Department of Southeast Asian Studies,  
University of Malaya,  
Malaysia

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### Abstract

*The phenomenon of forest and land fires has had a major impact on everyone's life. Where the government has worked hard to solve this problem through policies, institutions, and funding. But this happens again and again throughout the year, so this is important to be addressed by all parties to help stop forest and land fires in Riau Province. This study uses an empirical juridical approach, where the analysis of research data is carried out through qualitative description. The results show that the Riau Provincial Government has issued an advisory on "Anticipating land and forest fires in the Province of Riau in 2020" to prevent land and forest fires disasters that occur repeatedly. In addition, all kinds of policies and funding have been prepared. However, due to overly complex technical problems and local regulations that have not been able to solve all problems, forest and land fires still occur in several places in Riau Province. Therefore, the Bengkalis Regency and Meranti Islands Regency Governments need to be dedicated and consistent in working to improve the work system and governance between agencies and institutions. In addition, there is a need for a regulation on forest and land fire management that is responsive to the situation and conditions that occur in the region.*

**Keywords:** Politics, Law, Forest and Land Fires

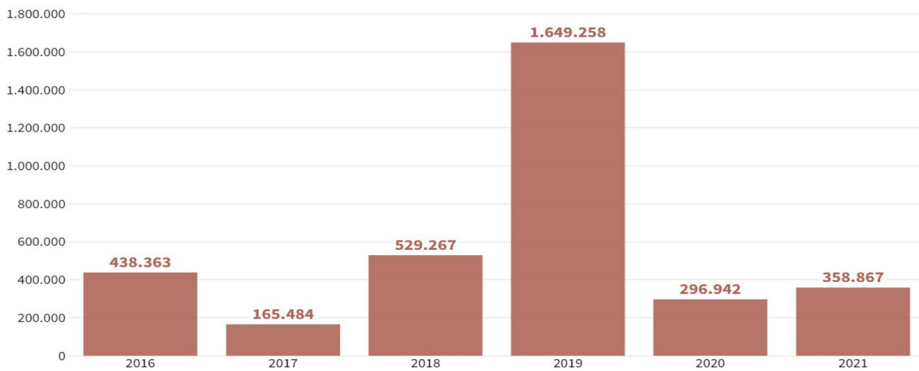
## 1. Introduction

Over the years, Indonesia has repeatedly experienced forest and land fires (Hoscilo et al., 2011). In order to solve this issue, the Indonesian government has released a number of policies. Several laws and regulations were made to deal with the problem of forest and land burning, namely Law Number 18 of 2013 concerning Prevention and Eradication of Forest Destruction, Law Number 24 of 2007 concerning Disaster Management, Law Number 32 of 2009 about Protection and Management of the Environment, Law Number 41 of 1999 concerning Forestry, Law Number 39 of 2014 concerning Plantations, and several more (Siscawati et al., 2017). The purpose of these regulations is to prevent and overcome forest and land fires (Christiawan, 2020). In Article 6 paragraph (1) of Law Number 18 of 2013 concerning Prevention and Eradication of Forest Destruction, it is explained that "To prevent forest destruction, the Government makes policies in the form of cross-sector coordination in preventing and eradicating forest destruction, meeting the resource needs of the forest security apparatus, incentives for parties who have contributed to preserving forests, fulfilling the need for facilities and infrastructure to prevent and eradicate forest destruction". Furthermore, Article 8 paragraph (2) explains that "Eradication of forest destruction is carried out through taking legal action against perpetrators of forest destruction, either directly, indirectly, or related to others". Looking at what has been regulated in this law and then supported by the performance of various authorities, forest and land fires in Indonesia should not occur continuously (Widiaryanto, 2020). Furthermore, Article 66 paragraph (1) of Law Number 41 of 1999 concerning Forestry explains that "in the context of forest management, the Government delegates part of its authority to the Regional Government". Basically in other laws, both Law Number 32 of 2009 concerning Environmental Protection and Management and Law Number 24 of 2007 concerning Disaster Management, it is explained that Regional Governments have the responsibility to implement and control pollution and damage environment. Therefore, in order to combat natural catastrophes in Indonesia that manifest as environmental harm from forest and land fires, several applicable rules and regulations must be taken into consideration, each local government needs to form a policy to prevent and overcome forest and land fires in its territory (Tacconi et al., 2019).

With a surface size of 22.5 million hectares, according to data from Global Wetlands, Indonesia has the second-largest peatland in the world after Brazil (Cifor.org, 2022). One of the provinces that often experience forest and land fires in Indonesia is Riau Province (Nurhayati et al., 2021; Prayoto et al., 2017). In 2015, around 2.6 billion hectares of forest and land in Sumatra and Kalimantan burned (Purnomo et al., 2020). Then, according to data from the National Disaster Management Agency (BNPB), the total amount of land burned nationwide Indonesia during January and August 2019 was 328,724 hectares, with about 3,218 hectares of that total area occurring in the province of Riau (Sarmiasih & Pratama, 2019). Currently, peatland forest fires are a more serious problem (Badri M et al., 2018). The fires caused many complications for Indonesia and neighboring countries such as Malaysia and Singapore, and have become a contentious international relations issue in the region (Safitri, 2021). Furthermore, the fire disaster is a situation that has negative social, economic, and political effects (Purnomo et al., 2020). In the process, forest fires depend not only on how dry and the amount of fuel in the forest but also on the likelihood of fires occurring, most of which are related to human activities in Indonesia (Wijayanto et al., 2022). These fires are man-made disasters, with enormous impacts on wildlife, human health, economies, regions, and local and global climate (Robinne, 2021). The amount of forest clearing for industrial purposes is also a factor causing forest and land fires. The preservation of environmental values, like as carbon storage, and the development of important commodities, such as lumber, palm oil, and pulpwood, which create revenue and jobs, are in constant conflict over these resources (Wakker, 2014).

The Provincial Government and all stakeholders understand that if forest and land fires are not dealt with immediately, they will destroy the future of wildlife and the preservation of human life. Thus, massive land clearing is one of the causes of forest and land fires that routinely occur almost every year in Indonesia. Forest and land fires occur due to human activities, ranging from

unsustainable forest management to cultivators who usually clear land by burning (Purnomo et al., 2019). The following is a recapitulation of the total area of fire and land in Indonesia (2016-2021), which can be seen in Figure 1 below:



**Figure 1:** Total Fire and Land Area in Indonesia (2016-2021)

**Source:** Republic of Indonesia's Ministry of Environment and Forestry, 2022

Based on Figure 1 above, it can be seen that forest and land fires in Indonesia tend to fluctuate. Then, when viewed from 2016-2021, the most forest and land fires in Indonesia occurred in 2019 as many as 1,649,258 hectares, and least in 2017 as many as 165,484 hectares. Forest and land fires continue to occur despite the government's efforts to control them through rules and control programs. Numerous studies have shown that there are issues with managing forest and land fires, such as the inability of relevant agencies to coordinate, the lack of a division of authority and responsibility between relevant agencies, the institutional form being Ad Hoc, the lack of integration of policies for controlling forest and land fires, weak law enforcement, and a constrained budget (Purnomo et al., 2019; Putra et al., 2019; Zainal, 2016).

Fundamentally, the government itself is aware that forest and land fires are a multifaceted issue that necessitates sectoral coordination to solve (Purnomo et al., 2021). In this context, the government has created Presidential Instruction (Inpres) Number 3 of 2020 concerning Forest and Land Management, a coordinating strategy with a bureaucratic approach. In the latest Presidential Instruction (Inpres), government agencies involved in handling forest and land fires include 28 government agencies/agencies, including regents/mayors (Nazifah et al., 2020). The Riau Provincial Government has established a combined command post to manage forest and land fires. Where their responsibilities include coordinating all control efforts (health team, law enforcement team, and control) with local government. The current strategy only addresses the issue of land clearing by burning when it comes to the causes of forest and land fires in Riau. Meanwhile, forest and land fire control regulations have not regulated additional reasons such as land conversion, natural resource utilization activities, land use, and land disputes. Regional leaders must immediately be urged to immediately regulate the rules for the use of forest areas and strict supervision of licensing in the forestry and plantation sectors because this is where the initial peak of the increasing risk of forest and land fires is so large (Ardiyanto & Andrikasmi, 2022). Due to the increased frequency of forest and land fires in Riau Province, particularly in Bengkalis Regency and the Meranti Islands, the phenomena of these occurrences is therefore becoming increasingly uncontrollable. Although to avoid a similar disaster, the Governor of Riau has issued an appeal Number: 01/PENG/2020 concerning Anticipation of Forest and Land Fires in Riau Province in 2020, because districts/cities must also actively participate in solving forest and land fire problems, the actions and policies that

must be taken are taken by the district/city government also needs attention. Based on this fact, it is important to understand how Riau Province's legal politics handle forest and land fires.

## 2. Material and Method

This study employs an empirical juridical or sociological juridical research approach to find theories about the process of occurrence and legal processes in society (Cane & Kitzer, 2010). The location of this research is in Riau Province, namely Bengkalis Regency and Meranti Islands Regency. This research was conducted for 6 (six) months, where sampling was carried out using the purposive sampling technique to conduct an assessment based on sufficient knowledge about the population to select sample members which can be seen in table 1 below:

**Table 1:** Population and Sample

Number	Respondents	Population	Sample	Percentage
1	Secretary of the Regional House of Representatives (DPRD) of Bengkalis Regency	1	1	100 %
2	Head of Legal Section of Bengkalis Regency Secretariat	1	1	100 %
3	Meranti Islands Regency Regional Disaster Management Agency (BPPD)	1	1	100 %
4	Head of the Legal Division of the Meranti Islands Regency Government	1	1	100 %

Then, the data sources in this study consist of primary and secondary data. The primary data in question are the results of interviews with Local Government Officials and Community Leaders in Riau Province. While secondary data includes official government documents, laws and regulations, books, journals, and proceedings. Data collection techniques in this study are through interview techniques and documentation techniques on relevant sources. Furthermore, the data analysis used is through a qualitative descriptive analysis which includes a description of the reality that has occurred, the policies made, the methods used, the obstacles faced, and the strategic opportunities that can be found and then concluded inductively (Sudiarawan et al., 2020). In order to better understand how Riau Province handles forest and land fires, this study will seek to examine legal politics.

## 3. Result and Discussion

### 3.1 The Phenomenon of Land and Forest Fires in Riau Province

Forest resources are one of the backbones of the Indonesian economy (Alisjahbana & Busch, 2017). According to Purnomo et al., (2018) it is explained that forest and land use policies (including their preparation) and resources are usually strongly influenced by the economic interests of certain groups or sectors (both individuals and companies) at the expense of environmental sustainability issues (including forest and land fires). Land conversion for oil palm plantations is the dominant cause of forest and land fires that have occurred in Riau to date (Badri M et al., 2018; Purnomo et al., 2019). The peat ecosystem in Riau is the main potential for fires to get worse. The function of peatlands is converted into plantation areas, with dry conditions. The nature of burning peatlands is difficult to extinguish because the depth of the peat underground can reach ten meters. Peatlands are known as fragile or vulnerable land with unfavorable change characteristics. Forest and land fires that are triggered by parties intentionally or unintentionally are a difficult problem to solve, including the issue of government accountability which is still unclear. Thus, when forest and land fires occur,

conflicts and tendencies shift in responsibilities between various related agencies, which are often sharpened due to weak operational procedures and adequate institutional arrangements in terms of coordinating fire prevention efforts (Purnomo et al., 2021; Safitri, 2021). The following are various problems of forest and land fires according to each actor in Riau Province which can be seen in Table 2:

**Table 2:** The Problems of Forest and Land Fires According to the Actors

Number	Actors	Explanation
1	Secretary of the Regional House of Representatives (DPRD) of Bengkalis Regency	<ul style="list-style-type: none"> <li>- There is no specific regulation related to forest and land fire prevention in Bengkalis Regency.</li> <li>- Existing regulations still give rise to multiple interpretations for implementers in the field.</li> </ul>
2	Head of Legal Section of Bengkalis Regency Secretariat	<ul style="list-style-type: none"> <li>- Regulations in overcoming forest and land fires are still not able to encourage maximum performance from the Regional Disaster Management Agency (BPPD).</li> </ul>
3	Meranti Islands Regency Regional Disaster Management Agency (BPPD)	<ul style="list-style-type: none"> <li>- In handling forest and land fires, there are still frequent changes of duties and positions between agencies which have an impact on sub-optimal performance.</li> </ul>
4	Head of the Legal Division of the Meranti Islands Regency Government	<ul style="list-style-type: none"> <li>- Local Regulations on Control of Pollution and Environmental Damage are substantially ineffective and unresponsive, because law enforcement still tends to be discriminatory.</li> </ul>

**Source:** Author Processed Data, 2022.

Based on table 2 above, it is clear that different players have different perspectives on the difficulties in controlling forest and land fires in Riau Province. According to the Actor (Secretary of the Regional Representative Council of Bengkalis Regency) information was obtained that forest and land fire prevention must be an integrated program between the Central Government and the Regional Government so that there is no transfer of responsibility between other agencies. This integrated effort is needed by making well-planned regulations that are contrary to the current regulations, where existing regulations are fragmented so that it often creates multiple interpretations for implementers in the field. There are no explicit laws pertaining to the prevention of forest and land fires in the Bengkalis Regency. The Regional Representatives Council's involvement in this situation is confined to keeping watch over and holding hearings with those who directly put out the fire, such as the Regional Disaster Management Agency, the Indonesian National Army (TNI), and the Indonesian National Police (POLRI). Then in terms of budgeting, DPRD will continue to support so that it is budgeted from the Regional Revenue and Expenditure Budget which refers to a joint commitment with the Regional Head. Then, the results of interviews with the Bengkalis local government law department showed that the guidelines for handling forest and land fires refer to the rules made by the central government and the provincial government. In Bengkalis Regency, there is already a commitment from the Regional Government to make efforts to overcome these forest and land fires, so that they are more focused and integrated, where the submission of the Regional Regulation on Disaster Management was proposed by the Bengkalis Regency BPBD. Because BPBD has been concentrating more on firefighting efforts, we need to respond to this regulation so that BPBD's performance can be maximized.

Furthermore, according to the Actor (Regional Disaster Management Agency of Meranti Islands Regency) explained that in dealing with forest and land fires that continue to occur, the government has appointed the main coordinator and person in charge of forest and land fires, 2018 the TNI was appointed to be the coordinator, then in 2019 it was the Indonesian National Police (POLRI), and

2020 switches to the Regional Head. Meanwhile, the results of an interview with the Head of the Legal Division of the Meranti Islands Regency Government show that the Meranti Islands Regional Regulation which is considered the legal basis for forest and land fire prevention in the Meranti Islands Regency, namely the Regional Government Regulation Number 6 of 2015 concerning Pollution and Damage Control The environment is substantially ineffective and unresponsive. Where law enforcement against perpetrators is still discriminatory, perpetrators who are ordinary people who burn land according to local wisdom will be dealt with firmly by the authorities at the same time, corporate actors whose land is widely burned are not prosecuted and selective logging is applied, making this one of the weaknesses of law enforcement making fire cases forest and land continues. Therefore, simplification and legal certainty are needed to solve the problem of forest and land fires in Riau Province, especially in Bengkalis Regency and Meranti Islands Regency.

### 3.2 *Legal Politics of Forest and Land Fire Management in Riau Province*

When viewed from the legal aspect, the legal politics of statutory reform is directed at a harmonious legal unity within the framework of the grand design so that these norms do not conflict with each other both vertically and horizontally (Hangabei et al., 2021; Wijaya, 2020). In the current regulation, the division of authority in the forestry sector has been regulated (following Government Regulation Number 38 of 2007 concerning the Division of Government Affairs between the Government, Provincial Government, and Regency/City Government), yet it appears that it is still ineffective at controlling forest and land fires because it calls for precise coordination among numerous cross-sectoral elements at the central, provincial, and district/city levels (Wicaksono, 2022). After all, each party is responsible for controlling and overcoming forest and land fires. Due to the primary duties and responsibilities in the law governing the involvement of forest and land fires, parties from the center have begun to show an interest in controlling forest and land fires at the regional level. These parties include the Ministry of Environment and Forestry, the Central Government, the National Institute of Aeronautics and Space (LAPAN), the Meteorology, Climatology and Geophysics Agency (BMKG), the Ministry of Home Affairs, and the National Disaster Management Agency (BNPB). The form of the rule can be direct or indirect. The Ministry of Environment and Forestry, for example, is responsible for granting concession permits to corporations under Article 2 of the Minister of Forestry Regulation No. 31 of 2014 and the establishment of a Forest and Land Fire Control Task Force (Satgas Dalkarhutla), such as Manggala Agni (Article 9 of the Regulation of the Ministry of Environment and Forestry). Forestry No. 32 of 2016). The granting of concession area permits indirectly causes an increase in fire susceptibility due to canalization activities carried out by the company. Meanwhile, LAPAN and BMKG function to provide satellite data and weather information, including hotspots, although this is part of their responsibilities. Even so, the two products of the latter have an important role in controlling forest and land fires in various regions in Indonesia (Merten, 2020).

The central government has a strong interest in preventing forest and land fires in the regions, as evidenced by its sway over numerous agencies under its jurisdiction. The forms of influence are the formation of the Peat Restoration Agency (BRG), the issuance of Presidential Instruction (Inpres) Number 3 of 2020, the existence of a Memorandum of Understanding (MoU) between the Central Government, Indonesian National Police (POLRI), Indonesian National Army (TNI), the possibility of dismissal for employees of the two institutions should there be a forest fire or land fire. But the problem of forest and land fires is still not handled, and it becomes worse. This is owing to the lack of adjustments between the central and regional administrations, which continue to be difficult to coordinate in terms of technical implementation on the ground as well as regulation and responsibility. The inability of local governments to control forest and land fires has resulted in the central government's predominance and direct engagement. This is to the results of research by Budiningsih et al., (2022) which states that the Riau Provincial Government cannot still control forest and land fires due to the limited means of controlling forest and land fires for peatlands with great

distances between regencies, and previous forest and land fire control activities which only stopped at controlling smoke haze by extinguishing the fire quickly without any comprehensive prevention efforts. This last deficiency is one of the reasons for the formation of the Peat Restoration Agency (BRG). Then, the large influence of the Central Government on the institutions of forest and land fire prevention activities also harms the high interests of the National Disaster Management Agency (BNPB), the Riau Province Blood Disaster Management Agency (BPBD), and the Blood Disaster Management Agency (BPBD) in Bengkalis Regency and Meranti Islands. If referring to the existing regulations, Law no. 24 of 2007 concerning Disaster Management, it is explained that the Blood Disaster Management Agency (BPBD) can only be deployed for extinguishing operations if the status of forest and land fires has been declared a disaster by the regional head or president. The rules that determine disaster indicators are contained in Article 7 of the Law. However, the facts show that the deployment of members from the National Disaster Management Agency (BNPB) and the Blood Disaster Management Agency (BPBD) in forest and land fire management only begins when hotspots are seen, whereas before disaster indicators are met, no significant efforts are made in the field. Table 3 below details the dynamics of legal politics in preventing forest and land fires in the Riau Province.

**Table 3:** Visualization of Political Dynamics of Law on Forest and Land Fire Management in Bengkalis Regency and Meranti Islands

Number	Regency	Actors	Legal Political Dynamics
1	Meranti Islands	<ul style="list-style-type: none"> <li>- Regional Disaster Management Agency (BPPD) Meranti Islands Regency</li> <li>- Head of the Legal Division of the Meranti Islands Regency Government</li> </ul>	<ul style="list-style-type: none"> <li>- Local governments have carried out various evaluations to address forest and land fires, but have not found a solution in the long term.</li> <li>- Various forest and land fire prevention regulations still tend to be discriminatory and ineffective and unresponsive to local needs.</li> </ul>
2	Bengkalis	<ul style="list-style-type: none"> <li>- Head of Legal Department of Bengkalis Regency Secretariat</li> </ul>	<ul style="list-style-type: none"> <li>- The main problem in overcoming forest and land fires starts from the status of residential areas and changes in land use where the rules related to spatial planning (RTRW) are not following the facts on the ground.</li> </ul>

**Source:** Author Processed Data, 2022.

Based on Table 3, it can be seen that each actor has a different opinion regarding the dynamics of legal politics in Bengkalis and Meranti Islands related to forest and land fire prevention. According to the Meranti Islands Blood Disaster Management Agency (BPBD), due to the repeated forest and land fires, the government has carried out several evaluations to deal with the disaster by involving the Indonesian National Police (POLRI), Indonesian National Army (TNI), and other related parties. Then a policy emerged to form an institution as the main coordinator and person in charge of preventing forest and land fires. In 2018, the Indonesian National Army (TNI) was appointed as the Coordinator. Then the coordinator in 2019 is the Indonesian National Police (POLRI). Meanwhile, in 2020 each Regional Head will serve as the Coordinator of Forest and Land Fire Management. Then, the Head of the Legal Division of the Meranti Islands Regional Government explained that various cross-agency regulations were not in line with preventing forest and land fires both at the center and in the regions. Under these conditions, it is increasingly difficult to find commitment from each responsible agency that affects better performance and systematic efforts. Even though it is known that the Meranti Islands themselves already have Regional Government Regulation (Perda) Number 6 of 2015 concerning Control of Pollution and Environmental Destruction, the Regional Regulation is

considered the result of copy-paste and does not adopt the Environmental Law, making it substantially ineffective and unresponsive to local needs. In addition, law enforcement against land arsonists is very discriminatory, perpetrators who are ordinary people who burn land according to local wisdom will be dealt with firmly by the authorities, while the perpetrators of corporations who burn extensively are not properly prosecuted. Thus, this is one of the weaknesses of law enforcement that makes forest and land fire cases continue.

Furthermore, according to the Head of the Legal Division of the Bengkalis Regency Government, he stated that the guidelines for preventing forest and land fires always refer to the rules made by the Central Government and the Provincial Government. The main problem in overcoming forest and land fires starts from the status of residential areas and changes in land use where the rules related to spatial planning (RTRW) are not following the facts. This is what later became one of the basic triggers for the rise of forest and land fires because the land was projected to be turned into a garden by certain individuals. In Bengkalis Regency there is already a commitment from the Regional Government to make efforts to control forest and land fires to be more focused and integrated, where the submission of the Draft Regional Government Regulation on Disaster Management was proposed in early 2020. However, the Draft Regional Government Regulation cannot be discussed because of the Covid-19 condition in Indonesia in March 2020. Likewise, the budget for forest and land fire management was previously budgeted for but were very minimal and more conditional. Fundamentally, provincial and district/city governments have the same responsibility and role in protecting and conserving forests and the environment. As regulated in Article 66 of Law Number 41 of 1999 concerning Forestry, it is explained that "In the context of forest management, the Government delegates part of the authority to the Regional Government, and the implementation of the transfer of part of the authority is aimed at increasing the effectiveness of forest management in the context of developing regional autonomy". Therefore, based on these provisions, local governments need to actively form policies and regulations to address the problem of forest and land fires. In this context, the Bengkalis Regency Government needs to make adequate regional regulations, as well as the Meranti Islands Regency Government, needs to improve its regional regulations to be more responsive.

Then, following up on repeated forest and land fire disasters in various regions in Indonesia, including in Riau Province, of course, this must encourage the central government to continue to monitor and evaluate which was followed by the issuance of Presidential Instruction Number 3 of 2020 concerning Forest and Land Fire Management. The instruction was issued to strengthen the prevention and law enforcement of forest and land fire control in the territory of the Unitary State of the Republic of Indonesia. With this Presidential Instruction, each appointed government agency is obliged to carry out its duties according to the instructions to prevent and deal with forest and land fires that occur. Although it indirectly mentions the role of the Regional Government in efforts to control forest and land fires, the role of supervision and guidance is attached to the Minister of Home Affairs together with the Minister of Environment and Forestry to carry out guidance and supervision with the Governor and Regent/Mayor in efforts to prevent forest and land fires (Inpres Number 3 of 2020). This shows that there is a shared responsibility between the central and local governments in dealing with forest and land fires. The principle of shared responsibility is indeed quite important, but the government needs to consider proportionally the burden of duties and responsibilities such as in forest area management.

#### 4. Conclusions

The findings of this study conclude that forest and land fires that continue to occur and are increasingly widespread are caused by several factors such as arbitrary actions by humans, as well as unclear state regulations regarding obligations and responsibilities between levels of government (Central Government, Provincial Government, and Regency Government). Combating forest and land fires effectively requires a planned, targeted, and measurable program. Then, the legal politics of



forest and land fire control in Riau Province, especially in Bengkalis Regency and Meranti Islands, seems stagnant and relies heavily on policies issued by the Central Government so the responsibility for handling forest and land fires is very slow. At the technical level, this is a challenge for local commitments and unpreparedness because there are no specific and relevant changes to forest and land fire management regulations in the regions. The government of Bengkalis Regency and Meranti Islands Regency is advised by this study to increase their commitment and consistency in their efforts to improve agency and institution governance and work systems in the context of fighting forest and land fires. A regional regulation on forest and land fire management that takes into account the circumstances and conditions in the region is also expected to be made right away by the regional government.

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