

Preventing Children from Gambling as Perpetrators of Criminal Acts

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Article History

Received: 09/10/2024; Reviewed: 08/03/2025; Published: 14/02/2025

Abstract: This study aims to analyze whether the current criminal law formulation policy is adequate in tackling the development of gambling crimes, as well as to explain the applicable policies implemented in handling gambling cases, especially in the city of Sorong. The research method used is normative juridical by examining secondary data in the form of legislation, legal literature, and various related legal materials. The novelty of this research lies in its comprehensive analysis of the effectiveness of combining penal and non-penal approaches in combating child gambling at the regional police level, as well as mapping structural obstacles that have not been widely studied in previous research. The results of the study show that police efforts to combat child gambling in Sorong City include a penal approach in the form of investigation, enforcement, and the application of criminal sanctions based on applicable legal provisions. Meanwhile, the non-penal approach is carried out through counseling, environmental supervision, and cooperation with the community to prevent the development of gambling practices. However, the effectiveness of both approaches still faces obstacles in the form of minimal coordination between law enforcement officials, local government, and the community, as well as high social tolerance for gambling practices. The conclusion of this study is that although a criminal law framework is in place, its implementation still requires strengthened inter-agency coordination, increased legal awareness, and an active role for the community to reduce gambling practices in a sustainable manner.

Keywords: Gambling; Criminal Offenses; Lottery Modus

Abstrak: Penelitian ini bertujuan untuk menganalisis apakah kebijakan formulasi hukum pidana saat ini telah memadai dalam menanggulangi perkembangan tindak pidana perjudian, serta menjelaskan kebijakan aplikatif yang diterapkan dalam penanganan kasus perjudian, khususnya di Kota Sorong. Metode penelitian menggunakan yuridis normatif dengan menelaah data sekunder berupa peraturan perundang-undangan, literatur hukum, dan berbagai bahan hukum terkait. Kebaruan penelitian ini terletak pada analisis komprehensif mengenai efektivitas kombinasi pendekatan penal dan non-penal dalam penanggulangan perjudian anak di tingkat kepolisian daerah, serta pemetaan hambatan struktural yang belum banyak dikaji dalam penelitian sebelumnya. Hasil penelitian menunjukkan bahwa upaya kepolisian dalam menanggulangi tindak pidana perjudian anak di Kota Sorong meliputi pendekatan penal berupa penyidikan, penindakan, dan penerapan

sanksi pidana berdasarkan ketentuan hukum yang berlaku. Sementara itu, pendekatan non-penal dilakukan melalui penyuluhan, pengawasan lingkungan, serta kerja sama dengan masyarakat untuk mencegah berkembangnya praktik perjudian. Namun demikian, efektivitas kedua pendekatan tersebut masih menghadapi kendala berupa minimnya koordinasi antara aparat penegak hukum, pemerintah daerah, dan masyarakat, serta tingginya toleransi sosial terhadap praktik perjudian. Kesimpulan penelitian ini adalah bahwa meskipun kerangka hukum pidana telah tersedia, implementasinya masih memerlukan penguatan koordinasi lintas lembaga, peningkatan sosialisasi hukum, dan peran aktif masyarakat untuk mengurangi praktik perjudian secara berkelanjutan.

Kata Kunci: Perjudian; Tindak Pidana; Modus Undian

1. INTRODUCTION

Gambling can be an obstacle to national development in both material and spiritual aspects. This is because gambling teaches people to seek livelihood in an improper manner and shapes a "lazy" character. Meanwhile, development requires individuals who are hardworking and mentally strong.¹ It is therefore reasonable that a rational solution to gambling must be sought immediately. This is because it is clear that gambling is a social problem that can disrupt the social functions of society. One rational effort used to combat gambling is through a criminal law policy approach.² In addition, criminal law can also be used as a means to change or shape society in accordance with the ideal form of society. Roscoe Pound calls this function social engineering.³

The enforcement of criminal law to combat gambling has undergone quite interesting dynamics. This is because gambling is often considered normal and legal. However, on the other hand, this activity has a very negative impact and greatly threatens social order in society. This can be seen in the policy established by Law No. 22 of 1954 on lotteries, which stipulates that prize-based lotteries should not cause various national problems, so the government legalized Porkas, which is a donation fund for sports. At the end of 1987, Porkas changed to KSOB (Prize-Based Sports Donation Coupons). In mid-1988, KSOB or SOB (Sports Donation with Prizes) was dissolved because it had negative impacts, namely the siphoning of funds from the poor and its influence on local areas. Finally, in mid-July 1988, Social Minister Haryati Subadio, in a working meeting with Commission VIII of the House of Representatives, stopped KSOB. After the dissolution of

¹ Ida Arodatul Jannah and Sutopo, "Kebijakan Penegakan Hukum Pidana Dalam Menanggulangi Perjudian," *JOSH: Journal of Sharia* 3, no. 02 (2024): 110–19, <https://doi.org/10.55352/josh.v3i02.925>.

² Silfy Maidianti and Liza Nofianti, "Kebijakan Penegakan Hukum Pidana Dalam Rangka Penanggulangan Perjudian," *Journal of Social and Economics Research* 5, no. 2 (2023): 480–90, <https://doi.org/10.54783/jser.v5i2.156>.

³ ORAHMAESA ANANDA PUTITAYA, "OPTIMALISASI PENEGAK HUKUM DALAM MEMBERANTAS PERJUDIAN BERKEDOK GELANGGANG PERMAINAN ANAK ANAK BERDASARKAN KITAB UNDANG-UNDANG HUKUM PIDANA (KUHP) DI WILAYAH HUKUM POLRESTA PEKANBARU," 2020.

KSOB, a new form of covert gambling emerged on January 1, 1989, under the name SDSB (Social Charity Donation with Prizes). SDSB made donations with good intentions. However, the donations were suspected of involving gambling and fraud against the public. On November 25, 1993, the government revoked and canceled the permit for the implementation of SDSB in 1994.⁴

The increase in the modus operandi of gambling crimes can be seen from the proliferation of types of gambling, such as lottery, tail gambling, white coupon gambling, and even those using advanced technology via telephone, internet, and SMS (short message service). Data from gambling operations in Sorong City shows that there were three cases of gambling via SMS during January-July 2023, with mobile phones as evidence.⁵

Based on the above facts, in order to combat the problem of gambling, a criminal policy is needed. This policy must focus on two directions⁶ The first is an applicative policy, namely a policy on how to operationalize the current criminal law regulations in order to deal with the problem of gambling. The second is a formulative policy or a policy aimed at penal law reform, namely a policy on how to formulate regulations in criminal law (also related to the concept of the new Criminal Code) that are appropriate for tackling gambling in the future.

2. METHOD

This study uses a normative legal approach, which involves examining or analyzing secondary data in the form of secondary legal materials. The author uses three types of data sources, namely primary data, secondary data, and tertiary data. In accordance with the use of secondary data in this study, data collection was carried out by systematically collecting, reviewing, and processing literature and related documents. Secondary data concerning primary, secondary, and tertiary legal materials were obtained from literature, taking into account the principles of updating and relevance. The data were then analyzed normatively and qualitatively by interpreting and constructing statements contained in documents and legislation.

⁴ dandi aditya Ramadhan, "Kajian Kriminologis Terhadap Tindak Pidana Perjudian Kartu Remi Di Wilayah Hukum Kepolisian Resor Kota Jambi" (2022).

⁵ Liza Nofianti Silfy Maidianti, "Criminal Law Enforcement Policies in the Framework of The," *Journal of Social and Economics Research* 5, no. 2 (2023): 480–90.

⁶ Tri Cahyono Anggoro and Bambang Santoso, "Politik Kriminal Integratif Dalam Penanggulangan Perjudian Online Di Indonesia Integrative Criminal Policy for Combating Online Gambling in Indonesia Juga Membawa Risiko Serius Berupa Meningkatnya Tindak Pidana Siber , Salah Satunya Internet Dengan Menggunakan Perangkat Elektronik Seperti Smartphone , Komputer , Atau" 8, no. 3 (2025): 6–9.

3. DISCUSSION

3.1. Police Efforts to Combat Child Gambling Crimes in Sorong City

In general, crime prevention efforts can be carried out through two main approaches: "penal" and "non-penal" means. Criminal law prevention efforts through penal means involve the use of legislation as a policy measure to regulate society.⁷ This approach tends to be repressive, focusing on suppression, eradication, or suppression after a crime or criminal act has occurred. Penal measures are part of law enforcement and criminal policy efforts, which aim to deter perpetrators through punishment or criminal sanctions. Thus, penal measures play a role in enforcing the law and preventing the recurrence of crime through the application of sanctions in accordance with the objectives of punishment.⁸

Government and law enforcement supervision plays an important role in combating gambling crimes, such as the sale and purchase of lottery tickets. Although monitoring and supervision efforts have been carried out in various areas known as gambling spots, this problem remains significant and difficult to overcome. One fundamental weakness is the lack of coordination between the government, authorities, and the local community, which results in suboptimal implementation in the field. Although state authorities have sent strong signals to eradicate gambling, this lack of coordination often hinders the effectiveness of the measures taken, allowing gambling to continue.⁹

In an effort to prevent gambling, law enforcement agencies carry out various activities such as patrols, monitoring, education, arrests, and imposing severe penalties on gambling offenders¹⁰. These activities include the implementation of Routine Operations and Special Operations by the police. Continuous police raids aim to eliminate the hope of gambling perpetrators to make a profit and demonstrate the commitment to law enforcement to the public. The continuity of these operations is important to maintain a deterrent effect and strengthen efforts to eradicate social ills. In addition, investigators, who are high-ranking police officers appointed specifically for this purpose, play a key role in handling gambling cases in a thorough and effective manner.

3.1.1. Penal Measures for Children in Gambling Crimes

Specifically for children in conflict with the law, Article 64 paragraph (1) of the Child Protection Law regulates the protection of children involved in legal conflicts and child

⁷ Amanda Aprilia and Ramli Umar, "Penegakan Hukum Terhadap Pelaku Tindak Pidana Judi Online Di Kalangan Remaja," *Fortiori Law Journal* 4, no. 2 (2024): 119–34, <https://doi.org/10.47200/flj.v4i2.2574>.

⁸ Martha Sarah Valentina Hura, Edi Yunara, and Marlina, "Kajian Hukum Pemidanaan Terhadap Anak Sebagai Pelaku Tindak Pidana Perjudian Dalam Perspektif Kriminologi," *Unes Law Review* 6, no. 4 (2024): 11582–600, <https://review-unes.com/> <https://creativecommons.org/licenses/by/4.0/>.

⁹ Selviana Teras Widy Rahayu, Agus Salim, and Afendra Eka Saputra, "Tinjauan Yuridis Tindak Pidana Judi Online Yang Melibatkan Anak Sebagai Pelaku," *Jurnal Pengabdian Masyarakat Dan Riset Pendidikan* 3, no. 4 (2025): 3517–23, <https://doi.org/10.31004/jerkin.v3i4.1098>.

¹⁰ Muhammad Firman Maulana, "Pidana Perjudian Online Di Wilayah Polresta Program Strata Satu (S1) Ilmu Hukum," 2023, 90.

victims of crime. Based on Article 64 paragraph (2) of the Child Protection Law, protection for children in conflict with the law is implemented through the following measures: a). Humane treatment: Children must be treated with respect in accordance with their dignity and rights, ensuring that their basic rights are respected throughout the legal process, B). Provision of special facilities and infrastructure: Providing appropriate facilities and support to meet the special needs of children in the justice system. c). Provision of special support personnel: Ensuring the availability of trained support personnel to accompany children from the beginning of the legal process, providing the necessary guidance and support. d). Monitoring and recording: Conducting continuous monitoring and recording of the development of children in contact with the law to ensure that the process is fair and in the best interests of the child, e). Guaranteeing family relationships: Ensuring that children can maintain relationships with their parents or families, except in urgent circumstances or if it is contrary to the best interests of the child, f). Protection of identity from the mass media: Protecting children's identities from mass media coverage and avoiding labeling that could harm their psychological and social development.

The ratification of the 1989 Convention on the Rights of the Child through Presidential Decree No. 36 of 1990 has opened a new chapter in the application of international instruments in the juvenile justice system in Indonesia. The Convention sets standards for the protection and treatment of children who are in conflict with the law. These principles of child protection include: a. A child shall not be subjected to torture or punishment or other cruel, inhuman, and degrading treatment; b. The death penalty or life imprisonment without the possibility of release shall not be imposed on children under the age of 18; c. No child shall be deprived of his or her liberty unlawfully or arbitrarily; d. Arrest, detention, and imprisonment shall be used only as a measure of last resort and for the shortest appropriate period of time; e. Every child deprived of liberty shall be treated humanely and with respect for the inherent dignity of the human person; f. Children deprived of their liberty must be separated from adults and have the right to maintain contact with their families; g. Every child deprived of liberty has the right to legal assistance, the right to challenge the grounds for deprivation of liberty before a court or competent and impartial authority, and the right to a prompt and fair decision on their actions.

The principles for the treatment of children involved in the juvenile justice system include the following¹¹: Every child who is accused, charged, or found guilty of violating criminal law has the right to be treated in a manner that respects their dignity and human rights. Such treatment should reinforce the child's respect for the human rights and freedoms of others and include supervision, educational programs, training, and

¹¹ Azwad Rachmat Hambali, "Penerapan Diversi Terhadap Anak Yang Berhadapan Dengan Hukum Dalam Sistem Peradilan Pidana," *Jurnal Ilmiah Kebijakan Hukum* 13, no. 1 (2019): 15, <https://doi.org/10.30641/kebijakan.2019.v13.15-30>.

institutional care tailored to the environment and the offense committed, taking into account the child's age and efforts to reintegrate the child into society and encourage their constructive role.

States should strive to establish legal systems, procedures, competent authorities, and specialized institutions dedicated to or applicable to children accused, charged, or found guilty of violating criminal law, in particular: Establishing a minimum age at which a child is considered incapable of committing a criminal offense; If action is necessary without going through a judicial process, the child's human rights and legal guarantees must be fully respected; Various types of decisions regarding children, including orders or measures for care, guidance, and counseling, must be applied as needed.

3.1.2. Non-Criminal Measures for Children in Gambling Crimes

Rational efforts to control or combat gambling crimes are not only through penal means (criminal law), but also by using non-penal approaches. Non-penal approaches have a preventive effect on crime, namely preventing crimes from occurring before they happen. These preventive efforts include addressing the factors that drive gambling, such as raising public awareness of the law and punishing gambling offenders in accordance with applicable regulations. From a criminal perspective, non-criminal preventive approaches play a strategic role in preventing gambling crimes. Therefore, criminal policy must be able to integrate all these preventive activities into a well-organized state system¹².

Moralistic Approach: The moralistic approach is carried out by improving the mentality and morals of the community through guidance, sermons, lectures, and counseling in the fields of religion, ethics, and law¹³.

Abolitionist Approach: This approach assumes that gambling is a crime that must be eradicated by first identifying its root causes and then attempting to eliminate these factors. This approach also involves studying the social problems faced by society and the individual motivations that drive gambling.

In combating crime, there are various approaches that can be taken, ranging from the most severe measures, which can be as brutal as the crime itself and lead to behaviors such as cannibalism, to crime prevention measures that emphasize "social treatment" or a "therapeutic" approach. Countering crime through a dogmatic-legalistic legal approach, or through a more humanistic approach, is often not as easy to implement as it sounds.¹⁴

Based on interviews conducted by the author, the Sorong City Police's efforts to uncover the modus operandi of gambling crimes are as follows: conducting investigations and gathering information, participating in gambling as part of an undercover operation,

¹² Muhammad Hafiz Husein Nasution, "Kebijakan Non Penal Oleh Kepolisian Dalam Menanggulangi Tindak Pidana Penadahan Sepeda Motor (Studi Kasus Kepolisian Sektor Percut Sei Tuan)," 2024, 21.

¹³ ERVIANA, "Pembinaan Etika Dan Moral Peserta Didik," 2019.

¹⁴ Bambang Peornomo, *Kapita Selekta Hukum Pidana*, Liberty, Yogyakarta, 1998, hal. 59-60

conducting surveillance, arresting suspects and seizing evidence, carrying out operations and surveillance in crowded places, and conducting outreach or education programs for the community.

The Sorong City Police's efforts to combat gambling crimes involving minors are carried out through the following steps:

Socialization in schools: The police conduct socialization in schools to educate and guide children so that they understand deviant behavior or criminal acts in their community and neighborhood. This socialization is aimed at elementary, junior high, and high school students to instill good values so that they can apply them in their neighborhood. Children are also guided and advised not to be influenced by or involved in criminal acts that occur around them.

Raids on children during school hours: The Sorong City Police also conduct raids on children during school hours. This is because children are often found carrying gambling cards, such as dominoes, and playing them during breaks with their friends. Some children even skip school to gamble in quiet places around the school, while still wearing their school uniforms.

Gambling is deviant behavior that often becomes a habit in people's daily lives. The following are some characteristics of deviant behavior in society:¹⁵

Positive deviance: This is deviance that has a positive impact because it contains elements of innovation, creativity, and opens up new alternatives. For example, a housewife who is forced to become a taxi driver due to economic pressures. Although this is considered a deviation from the traditional role, this action provides a solution to the economic problems she faces.

Negative deviance: This is deviance that tends to lead to social values that are considered low and harmful. Examples are criminal acts such as murder and rape, which have a negative impact on society.

Countering crime through the law aims to enforce criminal law. The enforcement of criminal law has a very broad scope, not only limited to repressive actions after a crime has occurred or when there is suspicion of a crime, but also includes preventive actions to prevent the possibility of crime and keep crime rates low. Criminal law enforcement is indirectly the responsibility of all interested parties, while directly it is the duty of the National Police and officials authorized to carry out police duties, prosecutions, decision-making, and the implementation of decisions in the criminal justice system. Law enforcement does not always have to end with a court decision, but also includes the process of applying criminal law as a whole. Each agency involved plays a role in accordance with its field and authority in the criminal justice administration system. Efforts

¹⁵ Agus, Santoso, Sosiologi 1. Yudhistira, Jakarta, 2006, hlm. 25

to combat crime, both traditional and new, are carried out through law enforcement supported by a strong social order, in order to achieve social policies and the goal of community welfare.¹⁶

3.2. Factors Causing Underage Gambling Crimes in Sorong City

Internal Factors: The increase in social problems in community life, one of which is caused by the community's lack of understanding of the law and the penalties that will be imposed if caught by law enforcement officials. The following is survey data on the locations of gambling crimes committed by minors and adults in the Sorong City area:

Table I. Gambling Cases in the City of Sorong 2019-2023

No Year	Type of Gambling	Underage Gambling Cases	Adult Gambling Cases	Total Cases
1 2019	TOGEL	6	110	116
2 2020	TOGEL	9	102	111
3 2021	TOGEL	11	142	153
4 2022	TOGEL	9	135	144
5 2023	TOGEL	21	158	179

Source: Sorong City Police Department.

Based on data from 2020 to 2023, there has been a significant increase in the number of gambling cases in Sorong City, both by minors and adults. The number of gambling cases involving minors, which was only 9 cases in 2020, jumped to 21 cases in 2023, indicating that children are increasingly exposed to and involved in gambling activities. Meanwhile, gambling cases involving adults, despite a decline in 2022, have consistently increased again, peaking at 158 cases in 2023. Overall, the total number of gambling cases has fluctuated but shows an upward trend in recent years, reaching 179 cases in 2023. This increase indicates the need for more attention from the authorities, especially in terms of law enforcement and public education regarding the dangers and legal consequences of gambling. The increasing involvement of children is also an alarm for the need for more serious supervision and prevention efforts to protect the younger generation from the risks of crime.

Gambling cases in Sorong City, especially in areas far from the Sorong City Police Station and police stations in the Sorong City area, occur frequently and are dominated by lottery gambling¹⁷. Thanks to information from the local community, law enforcement

¹⁶ Ibid

¹⁷ H Kia, W A Hidaya, and M Sahertian, "Implementasi Penegakan Hukum Terhadap Tindak Pidana Judi Online (Studi Kasus Pada Polresta Sorong Kota)," *Judge: Jurnal Hukum* 6, no. Vol. 6 No. 02 (2025): Judge : Jurnal Hukum (2025): 119-34,

officials can more easily arrest and ambush perpetrators, both children and adults. In this case, minors involved in lottery gambling are generally summoned by their parents to be given guidance and rehabilitation in the form of lectures on the adverse effects of gambling. Meanwhile, adult gamblers will be prosecuted in accordance with applicable law. The perpetrators usually act as writers and recorders of lottery numbers placed by buyers, who are also gambling perpetrators. This different approach is taken to reduce the number of children involved while also providing a deterrent effect for adult perpetrators.

Several factors contribute to the occurrence of gambling activities, as follows:

Faith and piety towards God Almighty in many regions of Indonesia seem to be eroding, along with a decline in understanding and experience of religious values. As a result, many religious adherents are involved in actions that harm themselves and others. Many of these acts are driven by opportunities and external pressures that command or provide opportunities to do things that harm others. In fact, if each individual adheres to the religious teachings they believe in, they will be more careful in their actions and avoid harmful acts such as gambling. Low morals and indifference to the negative impacts of gambling also affect society at large. Therefore, it is important to provide appropriate education to the local community in order to build awareness of the dangers of gambling crimes and their impact on behavior and religious morals, so that this practice, which destroys the moral order, can be stopped.

Economic Factors: Economic factors also play a role in encouraging people to engage in gambling, mainly because of the perception that gambling can provide large profits quickly. For people with middle incomes, especially those with low incomes, economic pressure often triggers them to try their luck through gambling. The lure of instant profits encourages perpetrators to gamble secretly. As a result, even though they are aware of the risks, many remain interested and tempted to engage in gambling in order to improve their economic conditions.

One of the causes of gambling crimes committed by children in Sorong City is economic factors, where many low-income families encourage their children to work to help support the family economy. As a result, many children from families with difficult economic conditions are unable to continue their education, and children who drop out of school become more vulnerable to engaging in criminal behavior such as theft and gambling. The inability to continue their education makes them more easily tempted by illegal activities as a quick way to earn money, thereby further worsening the social situation in Sorong City.

External Factors, G. Kartasaputra defines deviant behavior as actions carried out by individuals or groups that do not conform to the norms that apply in society, either

consciously or unconsciously. If this deviant behavior continues to develop, it can cause social ills in society. In other words, social ills are a form of deviation from social norms that is carried out continuously. Just like physical illness, social illness does not appear suddenly, but is triggered by various external factors. Some of the factors that cause social illness in society include¹⁸:

The absence of role models who can be used as examples in understanding and applying social norms. Without good examples, individuals tend to continue to act according to what they believe to be right, without considering whether their actions violate existing norms. This lack of role models allows deviant behavior to become more common and uncontrolled in society.

The influence of an unfavorable social environment also plays a major role in the emergence of social ills. An environment where most of the community is involved in deviant behavior such as prostitution, gambling, and drunkenness can affect the surrounding community. When this negative behavior becomes the norm in an area, its residents are more susceptible to similar social ills because they are directly exposed to actions that destroy social norms and values. As a result, deviant behavior becomes more common and accepted, exacerbating social problems in the community.

Negative socialization is also a major factor in the emergence of social ills. Individuals who associate with groups that engage in social deviance, such as thugs, drunkards, and gamblers, will be increasingly influenced by the behavior and norms of these groups. Gradually, these individuals will tend to imitate and adopt the bad habits of their friends, so that socially deviant behavior becomes increasingly common and accepted in their lives. This negative socialization process reinforces the cycle of destructive behavior and hinders social improvement efforts in the community.

4. CONCLUSION

Police efforts to combat child gambling in Sorong City include penal and non-penal approaches. The penal approach focuses on law enforcement through investigation and the enforcement of legal sanctions against gambling offenders. Although law enforcement efforts, such as raids and education, have been carried out, major challenges remain, such as a lack of coordination between the government, authorities, and the community. On the other hand, the non-penal approach seeks to prevent gambling by increasing public legal awareness and addressing the factors that drive gambling. This approach also involves community leaders and religious leaders to improve public morality. Gambling crimes, especially those involving minors in Sorong City, have shown a significant increase in recent years. Various internal factors, such as a lack of understanding of the law and moral values, as well as economic factors that encourage children to engage in illegal activities, are the

¹⁸ Rike Amalia, Henni Muchtar, and Muhammad Prima Ersya, "Upaya Penanggulangan Tindak Pidana Perjudian Oleh Polresta Padang," *Journal of Civic Education* 2, no. 1 (2019): 56–66, <https://doi.org/10.24036/jce.v2i1.108>.

main causes. In addition, external factors such as the absence of role models and a poor social environment also contribute to this deviant behavior. This situation not only harms the individuals involved, but also threatens the social order and welfare of society as a whole.

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