



THE RECONSTRUCTION OF ISLAMIC FAMILY LAW FROM THE PERSPECTIVE OF MAQASHID AL-SHARIA

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Article Info

Received: October 09, 2025

Revised: January 01, 2026

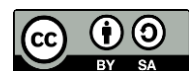
Accepted: March 10, 2026

Online Version: April 11, 2026

Abstract

This study stems from the ongoing social changes and transformations in Islamic family law, which necessitate normative reform to align with the principles of maqashid al-sharia. The objective of this study is to examine the role of the concept of maqashid al-sharia as a foundation for the reconstruction of Islamic family law, while also formulating a direction for legal development that is more adaptive to the needs of modern society. This study employs a qualitative method with a juridical-normative approach through a literature review encompassing fiqh literature, statutory regulations, and the thoughts of contemporary scholars, which are subsequently analyzed descriptively and analytically. The research findings indicate that the reconstruction of Islamic family law based on maqashid syariah is capable of strengthening the aspect of public interest by prioritizing the protection of religion, life, intellect, lineage, and property, thereby making family law more flexible and responsive to social dynamics without abandoning the fundamental principles of Sharia. In the discussion, the maqashid syariah approach is viewed as providing a broader scope for ijtihad in the process of renewing Islamic family law, particularly regarding marriage, divorce, and women's rights, while maintaining a balance between normative texts and evolving social realities. The conclusion of this study confirms that the reconstruction of Islamic family law based on the maqashid al-sharia is an urgent necessity for the realization of a legal system that is more just, humane, and relevant to the demands of the times.

Keywords: Family Law, Islamic Law, Maqashid al-Sharia



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Journal Homepage

<https://research.adra.ac.id/index.php/solj>

ISSN: (P: 2988-5191) - (E: 2988-5205)

How to cite:

Syukrawati, Syukrawati & Ardinal, E. (2026). The Reconstruction of Islamic Family Law from the Perspective of Maqashid Al-Sharia. *Sharia Oikonomia Law Journal*, 4(2), 136-148. <https://doi.org/10.70177/solj.v4i2.3686>

Published by:

Yayasan Adra Karima Hubbi

INTRODUCTION

In essence, law is a fundamental mechanism that plays a role in organizing human life to achieve order, justice, and the common good within society. In the context of national and state life, law is not merely understood as a set of binding norms, but also as an instrument of social engineering capable of shaping and guiding human behavior toward a more ideal social condition. As times change, the legal system is constantly undergoing transformation and adaptation to remain in harmony with the ongoing dynamics of society (Herawati, 2024). This demonstrates that the law is dynamic in nature, not fixed or static, and is therefore always open to reform in accordance with the needs of society. From the perspective of Islamic law, the principle of public interest serves as the primary foundation underpinning every legal provision established. Therefore, every social change that occurs demands a legal response that is adaptive and responsive, yet remains grounded in the fundamental values of Islamic sharia as its normative basis (Fatarib, 2025; Mutawali, 2023).

Islamic family law is a branch of law that holds a highly strategic position in the lives of Muslims, as it governs fundamental issues such as marriage, divorce, the rights and obligations between husband and wife, and the protection of children. In its implementation, Islamic family law does not rely solely on normative texts but has also evolved through the process of *ijtihad* by scholars in response to diverse and ever-changing social realities. The dynamics of this law are increasingly influenced by changes in social structures, technological advancements, and growing public awareness of human rights (Cipta, 2026; Ningsih, 2024). These various factors mean that Islamic family law exists in a dynamic state and continues to evolve in accordance with the needs of the times. Therefore, adjustments and updates are necessary to ensure that Islamic family law remains relevant and capable of achieving justice for all parties involved. Thus, Islamic family law cannot be understood in a rigid or inflexible manner; rather, it must be flexible and adaptable to the changing times and the ongoing social changes taking place.

Over time, contemporary issues in Islamic family law have become increasingly complex, necessitating a more comprehensive and integrative approach. Various issues, such as gender inequality, the protection of children's rights, domestic violence, and the transformation of modern family structures, pose significant challenges to the implementation of Islamic family law. These conditions indicate a gap or mismatch between normative provisions derived from legal texts and the social realities occurring within society. If this issue is not addressed appropriately and proportionally, it has the potential to cause injustice and diminish the relevance of Islamic law in addressing the needs of modern society. Therefore, an approach is needed that can accommodate and harmonize normative legal texts with the dynamics of the social context in a proportional and balanced manner (Fuqoha, 2024; Nasution, 2023).

One of the approaches considered most relevant for addressing these various challenges is *maqashid al-sharia*. This concept focuses on the fundamental objectives underlying the establishment of Islamic law, namely to promote the common good and prevent harm to humanity. *Maqashid al-sharia* encompasses the protection of five fundamental elements: religion, life, intellect, lineage, and property. Through this approach, the understanding of Islamic law does not merely stop at the textual aspect but also considers its contextual and substantive dimensions. This opens the door for the development of laws that are more adaptive, flexible, and responsive to the dynamics of social change. In the realm of Islamic family law, *maqashid syariah* serves as a crucial foundation in the process of legal

reconstruction to ensure the law remains relevant and capable of addressing the evolving needs and challenges of the times (Ja'far, 2025; Mubarrak, 2023).

Reconstruction in Islamic family law is an inevitable necessity as social changes become increasingly complex. This reconstruction effort is not intended as a change to the fundamental principles of Sharia, but rather as an adjustment in interpretation to better align with the primary objective of public welfare. Thus, Islamic family law remains grounded in the fundamental values of Islamic teachings, yet is capable of providing more effective solutions to various contemporary issues. This renewal process requires a robust methodological approach to ensure it does not deviate from the established fundamental principles of Sharia. In this context, the maqashid al-Sharia play a crucial role as an epistemological framework that can guide the development and renewal of the law in a more systematic, focused, and community-benefit-oriented manner (Faizin, 2023; Noor, 2025).

The importance of this research stems from the need to establish Islamic family law that is more responsive, grounded in humanistic values, and upholding the principle of justice. The ongoing dynamics of social change demand legal reform that goes beyond mere normative aspects and is capable of accommodating humanistic dimensions and social justice in its application. If this process of reconstruction is not undertaken, Islamic family law risks stagnation and a loss of relevance in addressing the needs of modern society. Thus, a study of the maqashid al-sharia becomes crucial as a foundation for the future development of Islamic family law. This approach is expected to offer comprehensive solutions to the various problems arising in the implementation of family law in the current context (Nilda, 2025; Supena, 2024).

Based on this background, this study focuses on examining the contribution of maqashid al-sharia to the process of reconstructing Islamic family law. Furthermore, this study aims to formulate a framework for the development of Islamic family law that is more responsive and adaptive to the changes and dynamics of modern society. Thus, this study is not merely conceptual and theoretical but also incorporates practical dimensions applicable to the formulation of Islamic legal policies. This study is expected to contribute to strengthening the Islamic family law system so that it becomes more progressive, relevant, and in line with the current social context. The approach used also emphasizes the importance of synergy between the normative values of Islamic Sharia and the ever-evolving social reality as the foundation for the sustainable renewal of Islamic law (Baining, 2024; Novita, 2025).

Various previous studies relevant to this research can be categorized into several groups. First, studies Wajdi, (2026) regarding Islamic family law reform in Indonesia, which has placed greater emphasis on the aspect of formal legislative reform but has not yet thoroughly examined the use of the maqashid syariah approach as a basis for analysis. Second, the study Farida, (2024) Discussions of the maqashid al-sharia in Islamic law generally remain within the conceptual-theoretical realm and have not yet been specifically directed toward family law as the primary subject of study. Third, studies Tabrozi, (2025) regarding the dynamics of contemporary Islamic family law, which primarily examines social changes in legal practice but has not yet adopted the maqashid al-sharia as the primary framework for the process of legal reconstruction. The fundamental difference between this study and those studies lies in its integrative focus, which connects the concept of maqashid syariah with the comprehensive process of reconstructing Islamic family law. Furthermore, this study does not merely stop at a descriptive exposition but also seeks to offer directions for the development of a legal system

that is more responsive, adaptive, and sustainable in accordance with the needs of modern society.

RESEARCH METHOD

This section of the research methodology provides a structured overview of the approach used to analyze the reconstruction of Islamic family law from the perspective of maqashid al-sharia. The methodology aims to clarify the research design, focus of the study, data collection procedures, research instruments, and data analysis techniques employed in the study. Using a qualitative, juridical-normative approach through a literature review, this study is directed at examining various sources of Islamic law, positive legal regulations, and the ideas of contemporary scholars relevant to the research theme. This description of the methodology serves as the primary foundation for ensuring that the research process is conducted systematically, purposefully, and with strong academic accountability (Hamdi, 2025; Herman, 2024).

Research Design

This study employs a qualitative design with a juridical-normative approach that focuses on library research. This approach is used to conduct an in-depth examination of various sources of Islamic law and positive law related to the provisions of Islamic family law. Within this framework, the process of reconstructing Islamic family law is analyzed using the maqashid al-sharia perspective as the primary foundation for understanding the objectives of Islamic law. This study does not involve direct field data collection but relies entirely on the examination of legal texts, fiqh literature, and the ideas of contemporary scholars. Therefore, this research design is aimed at producing a comprehensive conceptual and normative understanding regarding the reform of Islamic family law (Rois, 2024; Syamsuar, 2024).

Research Target/Subject

This study focuses on efforts to reconstruct Islamic family law through the perspective of maqashid al-sharia, which emphasizes the protection of five fundamental elements: religion, life, intellect, lineage, and property. This study examines in depth how the principles of maqashid al-sharia can serve as a conceptual foundation for the reform of Islamic family law norms to better align with evolving social dynamics. The sources of this study include classical fiqh literature, legislation in various Muslim countries, and the ideas of contemporary scholars relevant to family law issues. The focus of this research is directed toward identifying the connection between normative texts in Islamic law and the evolving realities of modern society. Thus, this research is expected to produce a conceptual framework for legal reconstruction that is adaptive to the changing times, yet remains firmly rooted in the fundamental values of Sharia (Kencana, 2025; Maulidiana, 2023).

Research Procedure

This research procedure began with the collection of relevant literature, including scholarly books, academic journal articles, legal regulations, and scholarly works written by contemporary Islamic scholars. The next step involved grouping the data based on key themes related to Islamic family law and the concept of maqashid al-sharia. After that, data simplification (reduction) is performed with the aim of filtering the information most appropriate and significant to the research focus. The data that has undergone the selection process is then analyzed in a structured manner to identify specific patterns, key concepts, and the interrelationships between the normative aspects under study. This entire series of

procedures is carried out continuously until it produces a comprehensive understanding of the reconstruction of Islamic family law (Iqbal, 2025; Muhaimin, 2023).

Instruments, and Data Collection Techniques

The primary instrument in this study is the researcher himself, who serves as a human instrument that is, the party actively involved in the process of identifying, interpreting, and analyzing the legal data that is the subject of the study. Data collection was conducted by applying documentary research techniques focused on various written sources relevant to the research theme. These sources include classical fiqh literature, contemporary Islamic legal works, scholarly journal articles, and various family law regulations from several Muslim countries. All data was collected in a structured manner through a process of recording, citing, and grouping information in accordance with the research focus. With this approach, the researcher was able to obtain in-depth, rich, and comprehensive data to support further academic analysis (Hadi, 2025; Huzaimah, 2024).

Data Analysis Technique

The data analysis technique used in this study is a descriptive-analytical method that combines inductive and deductive approaches. All collected data was then interpreted to gain an understanding of the normative meanings contained in Islamic legal texts and their relationship to the principles of maqashid al-sharia. The analysis process was conducted by comparing various views of scholars, both classical and contemporary, to identify patterns of legal reconstruction that are more appropriate to the current context. This stage also emphasizes the process of drawing conceptual conclusions by examining the relationships between interrelated legal concepts. Thus, the results of the analysis are expected to yield new formulations in the development of Islamic family law that are more responsive and adaptive to the dynamics of contemporary developments (Amiruddin, 2024; Susanto, 2025).

RESULTS AND DISCUSSION

The results of this study indicate that the reconstruction of Islamic family law based on the maqashid al-sharia makes a significant contribution to strengthening the public interest. This approach places the objectives of sharia as the primary foundation for the process of reforming Islamic family law. The application of the concept of maqashid al-sharia has proven capable of guiding legal formulation to be more adaptive to the dynamics of social change. On the other hand, this approach remains committed to the fundamental principles of Islamic teachings without deviating from them. The balance between normative texts and social context is a crucial aspect. Ongoing social development demands legal flexibility that remains measured and purposeful. In this context, maqashid al-sharia serves as a relevant and applicable analytical framework. This finding underscores the urgency of legal reform oriented toward Sharia objectives. At the same time, Islamic law retains its authenticity even within a framework of adaptation. This process of reconstruction ultimately strengthens the relevance of Islamic law in addressing the needs of modern society. Thus, Islamic family law becomes more dynamic, contextual, and responsive to the changing times.

This study also shows that the five fundamental principles of maqashid al-sharia serve as the primary foundation for strengthening Islamic family law. These five principles encompass the protection of religion, life, intellect, lineage, and property. Each principle makes a significant contribution to maintaining social stability within the family environment. The protection of religion functions as the moral foundation that underpins family life. Meanwhile,

the protection of life relates to the safety and well-being of every individual within the family. The protection of reason supports the development of education and rational capacity in the legal decision-making process. The protection of lineage ensures the continuity of generations that are legally and socially legitimate. The protection of property plays a role in maintaining the family’s economic sustainability to ensure stability. The integration of these five principles strengthens the structure of Islamic family law comprehensively. This approach also provides a balance between the rights and obligations of every family member. In this context, the maqashid al-sharia serves as a comprehensive legal analytical tool. Thus, the family law system can be understood more fully and holistically.

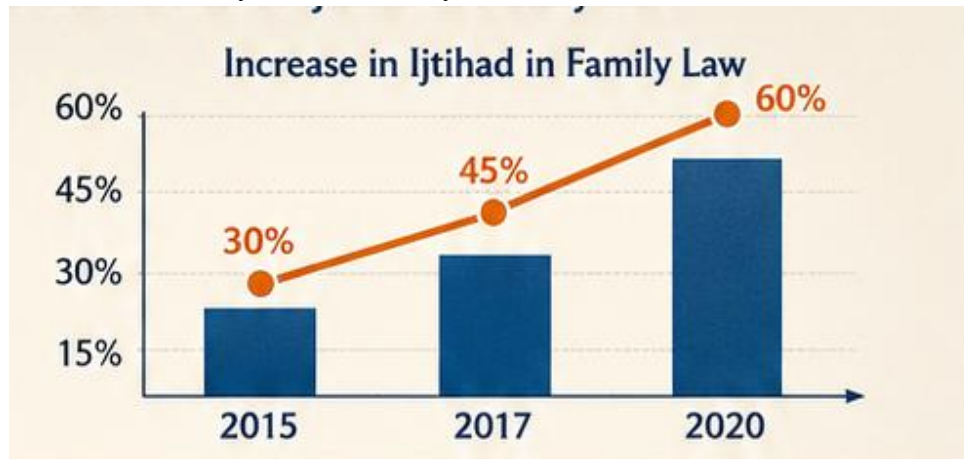


Figure 1. Reconstruction of Islamic Family Law from the Perspective of the Maqashid Al-Sharia

Research findings indicate that the process of reconstructing Islamic family law offers a greater degree of flexibility in marriage provisions. Marriage provisions are no longer understood solely in a textual sense, but also take into account the surrounding social context. The maqashid syariah approach allows for adaptation to the dynamics and changing conditions of modern society. This is evident, among other things, in the regulation of the minimum age for marriage and the accompanying administrative requirements. This flexibility is intended to prevent harm within the family institution. The principle of public interest is established as the primary foundation for the formulation of marriage laws. Contemporary scholars have also provided a broader scope for ijtihad in addressing these issues. Additionally, various regulations in Muslim countries have begun to accommodate a similar approach. These adjustments to legal norms are made without disregarding the principles of validity in Islamic law. Thus, this legal reconstruction strengthens the protection of the family institution in a more comprehensive manner. The law has become more responsive and adaptive to the evolving social realities in society. Therefore, marriage is understood not only as a religious institution but also as a social institution with a broad dimension of public interest.

Table 1. Implementation of Maqashid Sharia in Islamic Family Law

Maqashid Aspects	Primary Objectives	Legal Implementation
Religion	Preserving religious values	Strengthening family ethics
Soul	Safety and security	Prevention of domestic violence
Reason	Intellectual development	Family education
Lineage	Legitimacy of lineage	Marriage regulations
Wealth	Economic stability	Alimony regulations

The table shows that each principle of maqashid has a concrete application in Islamic family law. This underscores that the law does not exist solely at a conceptual or abstract level. Each principle has a practical orientation, allowing it to be implemented in daily life. This integration strengthens the legal system’s focus on achieving the public interest. Therefore, the maqashid of Sharia serve as an operational framework in the process of legal reform and development.

This study also examines the position of women within the Islamic family law system in greater depth. The findings of the analysis reveal an increasing focus on the fulfillment of women’s rights. The maqashid al-sharia approach opens the door to the creation of a more just balance and equality. From this perspective, women are regarded as legal subjects who possess equal rights and obligations. Efforts to protect women are also an integral part of the primary objectives of Sharia. This encompasses aspects of rights in marriage, the divorce process, and the fulfillment of maintenance obligations. A number of contemporary scholars support the reinterpretation of legal texts related to gender issues. The dynamics of social change also drive reforms in Islamic family law. Various Muslim countries have begun implementing more open and inclusive policies. This phenomenon indicates a paradigm shift in the understanding of family law. This process of reconstruction ultimately strengthens the principle of social justice within the family institution. Consequently, women’s status is increasingly gaining more equal recognition within the framework of Islamic law.

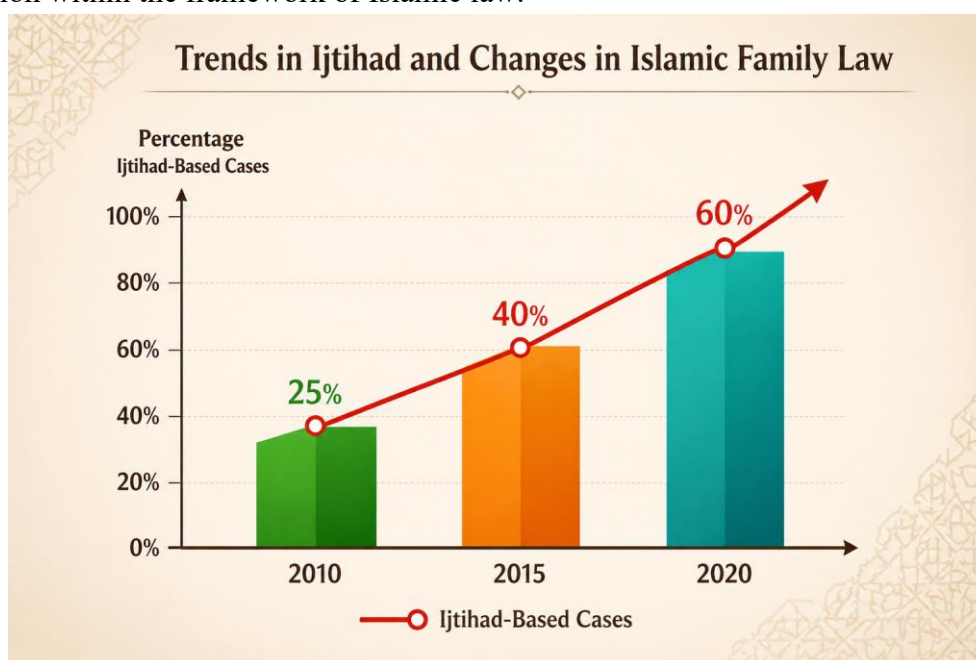


Figure 2. Significant Upward Trend in the Application of Ijtihad on the Process

The graph shows a significant upward trend in the application of ijthid in the process of family law reform. This indicates that the maqashid al-sharia approach is gaining widespread acceptance in the practice of Islamic law. This increase is closely linked to the growing complexity of social issues emerging in the modern era. In this context, ijthid serves as a means of adaptation to align the law with the changing times. Scholars and legal institutions have also demonstrated increasing openness toward contextual approaches. This phenomenon reflects the progressive and responsive nature of Islamic law in addressing social change.

Despite various reforms, the fundamental values of Sharia remain preserved and are not neglected. On the contrary, these changes reinforce the relevance of Islamic law in addressing the needs of contemporary society. Therefore, *ijtihad* can be viewed as a crucial component in the process of reconstructing Islamic family law.

The research findings also indicate that religious scholars play a crucial role in the process of reconstructing Islamic family law. Contemporary scholars serve as intellectual agents driving reform within the Islamic legal system. They reinterpret classical texts to address the various challenges arising in the modern era. The fatwas they issue reflect the use of the *maqashid al-sharia* approach as a primary foundation. In practice, scholars strive to maintain a balance between preserving tradition and the demands of modernity. This dynamic makes Islamic legal discourse increasingly dynamic, open, and adaptive to change. Additionally, fatwa institutions play a role in guiding and shaping relevant legal policies. Collaboration between scholars and the state has also shown a significant increase in this process. This synergy ultimately strengthens the legitimacy of Islamic family law within society. The legal reconstruction taking place is collective, participatory, and continuous. Thus, scholars occupy a highly strategic position in driving the reform and renewal of Islamic law (Fauziati, 2025; Jayusman, 2023).

This study reveals a tension between normative texts and evolving social realities. Classical legal provisions cannot always fully accommodate the dynamics of modern society. In such situations, the *maqashid al-sharia* serve as a bridge to reconcile the emerging differences. This approach places greater emphasis on the objectives and substance of the law rather than a purely textual understanding. Actual social conditions are considered a key foundation in the process of legal formulation (Caniago, 2025; Rajafi, 2023). Hal ini membuka ruang interpretasi yang lebih fleksibel dalam memahami ajaran hukum Islam. Scholars then sought to adapt the law to align with the needs of contemporary society. This process of legal reform was carried out gradually and with great caution. A balance between normative texts and social context was maintained in every process of *ijtihad*. This situation reflects the flexibility inherent in the Islamic legal system. Consequently, Islamic law has become more contextual, relevant, and applicable to modern life. This approach ultimately strengthens the harmonious integration between normative aspects and social realities (Gunawan, 2024; Widjaja, 2023).

The reconstruction of Islamic family law reflects a trend toward adaptive reform in response to changing times. The law is no longer understood in a rigid manner, but rather as a dynamic and evolving system. The *maqashid al-sharia* approach serves as the primary foundation for every process of legal change and reform. These reform efforts are aimed at addressing the various contemporary social challenges that continue to emerge. Issues such as marriage, divorce, and the protection of children's rights are central to this reform agenda. A number of Muslim countries have begun codifying Islamic family law as a means of establishing a more structured legal system (Sangaji, 2023; Vidiati, 2024). This process is not carried out unilaterally but involves various relevant stakeholders. Its primary objective is to establish a legal system that is more effective in its application within society. Nevertheless, legal adaptation remains committed to preserving and upholding the fundamental principles of Sharia. Every change is made selectively, carefully, and in a measured manner so as not to deviate from the main framework of Islamic law. Thus, Islamic family law evolves in a more

progressive and responsive direction. This reconstruction is fundamentally dynamic and ongoing, adapting to the social changes that occur.

Conceptually, this study formulates a model for the reconstruction of Islamic family law based on the maqashid of Sharia. This model dynamically integrates normative values with the social needs of the community. This approach places public interest as the primary orientation in every legal formulation. Every legal policy is required to consider its implications for the social life of the community. Furthermore, this model emphasizes flexibility in the process of interpreting Islamic law (Arfan, 2024). The role of religious scholars and academics is crucial in developing and guiding this renewal. As a result, the legal framework can become more adaptable to the changing dynamics of the times. This approach also helps bridge the gap between theoretical concepts and practical implementation. Islamic law can also be applied more contextually within the realities of modern life. This model has the potential to be implemented in various contexts across Muslim countries. Consequently, the process of legal reconstruction becomes more focused and systematic. This ultimately strengthens the legitimacy and relevance of Islamic law in a contemporary context (Vidiati, 2024; Warman, 2023).

Overall, the findings of this study indicate that the maqashid al-sharia play a crucial role in the process of reconstructing Islamic family law. This approach has proven capable of addressing various challenges arising from the dynamics of modernization within Islamic law. The primary focus of every legal reform is directed toward achieving the public interest. This makes Islamic family law more adaptive, flexible, and aligned with an ever-evolving social context. Any changes made are not intended to eliminate the fundamental principles of Sharia, but rather to strengthen their relevance in contemporary society (Nasrullah, 2025; Norcahyono, 2024). This reconstruction process involves striking a balance between normative aspects and social dimensions in a proportionate manner. In its implementation, the roles of religious scholars, the state, and society are critical factors in determining its success. This study also makes a significant contribution to the academic development of Islamic legal scholarship. The maqashid al-sharia approach has proven to remain relevant and applicable in addressing contemporary issues. Thus, Islamic family law continues to undergo constructive and sustainable development. This reconstruction simultaneously serves as a crucial foundation for the future agenda of Islamic legal reform.

CONCLUSION

The results of this study indicate that the reconstruction of Islamic family law through the perspective of maqashid al-sharia is an increasingly important approach in responding to the dynamics of social change and the ongoing evolution of the times. Maqashid al-sharia serves as a philosophical foundation that emphasizes the attainment of the public interest as the primary objective in every legal ruling. This approach does not rely solely on the normative dimension of the text but also accommodates social realities that are constantly changing. In this context, Islamic family law is required to be adaptive without abandoning the fundamental principles of Sharia. Legal change and renewal are a necessity to ensure that Islamic values remain relevant in modern life. Therefore, every process of legal reformulation cannot be separated from the primary objectives of Sharia itself. This process of reconstruction also underscores the importance of the integration between the textual and contextual dimensions in Islamic law. Thus, the maqashid al-sharia serve as a strategic instrument in the development and renewal of

the law. This approach simultaneously provides a new direction that is more responsive to societal developments. This demonstrates that Islamic law possesses a flexible character in addressing dynamic social changes. Ultimately, this approach strengthens the existence of Islamic family law within the contemporary legal system. The entire process is oriented toward achieving the comprehensive and sustainable welfare of the community.

The conclusion of this study indicates that the reconstruction of Islamic family law based on maqashid syariah is an urgent necessity in order to build a legal system that is more just, humane, and in harmony with the times. This need arises as a response to the inevitable challenges of modernization within the ever-changing dynamics of global society. Maqashid syariah serves as a conceptual framework that allows Islamic law to remain relevant while evolving in accordance with the surrounding social context. Through this approach, Islamic family law not only preserves traditional normative values but is also able to adapt to dynamic contemporary realities. This process of reconstruction is an integral part of the ongoing and systematic agenda of Islamic legal reform. Furthermore, the maqashid al-sharia approach reinforces the dimensions of justice and welfare in every legal product produced. Thus, Islamic family law does not merely stop at textual interpretations or legal formalities. Rather, it is directed toward achieving more comprehensive and substantive objectives of the Sharia. This research also makes a significant contribution to the development of both theory and practice in modern Islamic law. Therefore, maqashid syariah can be viewed as the primary foundation in the process of renewing Islamic family law. This simultaneously affirms that Islamic legal reform is a dynamic and ongoing process. Ultimately, the primary objective to be realized is the achievement of the public interest in a comprehensive, just, and sustainable manner.

DECLARATION OF AI AND AI ASSISTED TECHNOLOGIES IN THE WRITING PROCESS

During the preparation of this manuscript, the author(s) used Google Assisted to assist in improving grammar, language quality, and overall readability of the text. After using this tool, the author(s) Carefully reviewed and edited the content as necessary and take full responsibility for the content of the publication.

AUTHOR CONTRIBUTIONS

Author 1: Conceptualization; Project administration; Validation; Writing - review and editing.
Author 2: Conceptualization; Data curation; In-vestigation.

DECLARATION OF COMPETING INTEREST

The authors declare that they have no known competing financial interests or personal relationships that could have appeared to influence the work reported in this paper.

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