

Implementation of Consumer Protection Policy in E-commerce Transactions in Indonesia

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Abstract. *Consumer protection in e-commerce is critical as the digital marketplace continues to expand rapidly in Indonesia. With the rise of online transactions, consumer rights are often threatened by fraudulent activities, unclear product descriptions, and inadequate dispute resolution mechanisms. This study aims to analyze the implementation of consumer protection policies in e-commerce transactions and assess their effectiveness. The research uses a normative juridical approach, focusing on legal frameworks such as the Consumer Protection Law No. 8 of 1999 and the Electronic Information and Transactions Law (UU ITE). The results indicate that while consumer protection laws are in place, enforcement remains weak, and many consumers are still unaware of their rights. Additionally, businesses often lack accountability in ensuring product quality and transparency. The study recommends strengthening the enforcement of consumer protection laws, improving public awareness, and enhancing the accountability of e-commerce platforms to ensure a safer digital marketplace for both consumers and businesses.*

Keywords: *Consumer Protection, E-Commerce Transactions, Juridical Approach*

Received: October 11, 2023

Revised: October 26, 2023

Accepted: November 28, 2023

INTRODUCTION

The rapid growth of e-commerce in Indonesia has changed the way people transact, with the number of internet users continuing to increase. This is in line with technological developments that increasingly facilitate access to digital platforms, making Indonesia one of the countries with the fastest e-commerce development in Southeast Asia. Indonesians are increasingly dependent on digital transactions to meet their daily needs, from buying goods to digital services. However, with this rapid growth, consumer protection has become a very important issue, because consumers in online transactions are often faced with the risk of fraud, goods not as ordered, or unclear return policies.

The importance of consumer protection in e-commerce cannot be underestimated. Without clear legal guarantees, consumers are vulnerable to fraud that often occurs in cyberspace (Yuthayotin & Yuthayotin, 2015). Therefore, effective consumer protection regulations are needed to create a sense of security and trust in online transactions. In Indonesia, this protection has begun to be regulated in the Consumer Protection Law and the ITE Law (Information and Electronic Transactions), which provide a legal basis for the rights and obligations of consumers and business actors in e-commerce. However, even though there are regulations, their implementation still faces major challenges.

The main challenge faced in implementing consumer protection is the lack of effective law enforcement. Although regulations are in place, there is often no firm action against violations that occur, especially in cases of e-commerce fraud. In addition, many consumers still do not understand their rights in digital transactions, so they often do not know how to protect

themselves in adverse situations. Another challenge is the lack of awareness and understanding on the part of business actors regarding their legal obligations to protect consumers. It is not uncommon to find ambiguity regarding the terms and conditions that apply to e-commerce platforms, which causes confusion for both consumers and business actors (Shchory, 2020).

The effectiveness of current consumer protection policies is still being debated. Although there are regulations such as the Consumer Protection Law No. 8 of 1999 and the ITE Law, their implementation is often not optimal. Several studies have shown that existing policies are not strong enough to prevent fraud or ensure that consumers receive fair compensation. In fact, in some cases, consumers find it difficult to obtain their rights after experiencing losses in online transactions.

The main objective of this study is to analyze the implementation of consumer protection policies in e-commerce transactions in Indonesia. By understanding the implementation of existing policies, we can evaluate whether the protection provided is effective enough or there are still gaps that need to be fixed. In addition, it is important to identify obstacles in the implementation of these regulations, both from the side of consumers who do not understand their rights, and from the side of business actors who are sometimes less compliant with applicable legal provisions. Several factors that influence the implementation of this policy include limited resources in supervisory institutions, as well as the complexity of regulations that have not been fully socialized to all parties involved.

In order to improve the effectiveness of this policy, there needs to be better cooperation between the government, business actors, and the community. The government must ensure that existing regulations can be implemented effectively through increased supervision, strict sanctions, and comprehensive education for consumers and business actors. This is important so that a safe and trusted e-commerce ecosystem can be created, providing maximum benefits for all parties involved.

METHODS

The normative legal method is an approach used to analyze legal regulations governing a particular topic, in this case consumer protection policies in e-commerce transactions in Indonesia. In this study, the normative legal method focuses on the study of applicable legal norms, especially the Consumer Protection Law, the ITE Law, and other regulations relevant to e-commerce. This study aims to identify and assess the effectiveness of consumer protection policies, as well as how these laws are applied in online transaction practices.

By using this method, researchers will examine legal texts in depth to find out whether existing regulations are sufficient to provide adequate protection for consumers in e-commerce. This includes identifying the obligations of business actors, consumer rights, and procedures that must be taken in the event of violations or fraud. In addition, the normative legal method also examines applicable legal principles, such as justice, transparency, and responsibility, to determine whether existing policies are in accordance with these legal values.

This method is often used to understand the legal basis and find legal solutions related to problems that arise in e-commerce transactions, as well as provide recommendations for improving regulations in the future.

RESULTS AND DISCUSSION

Legal Aspects of Consumer Protection

Consumer protection is an important element in the legal system in Indonesia that aims to protect consumer rights while ensuring the safety and quality of goods and services received. Law Number 8 of 1999 concerning Consumer Protection (UUPK) serves as the main legal framework that regulates various dimensions of consumer protection in this country. In this case, consumer protection efforts include ensuring legal certainty, increasing public awareness as

consumers, and strengthening the responsibility of business actors in providing goods and services that meet quality standards.

The Consumer Protection Law (UUPK) defines consumer protection as all steps taken to ensure legal certainty in providing protection to consumers. This includes various consumer rights that must be respected by business actors, such as the right to obtain correct information, the right to choose products or services, the right to express opinions, and the right to receive compensation if they experience losses. In addition, UUPK also stipulates the obligation for business actors to provide clear and accurate information regarding the goods or services offered, and to be responsible for the quality and safety of the products provided.

In the context of consumer protection, the legal aspect not only includes the regulatory framework, but also involves institutions that have an important role in enforcing these rules. One of the main institutions in Indonesia is the National Consumer Protection Agency (BPKN). This institution is responsible for monitoring the implementation of consumer protection and handling complaints filed by consumers. In addition, BPKN has a strategic task to improve public understanding of consumer rights, such as the right to obtain correct information and the right to question the quality of goods or services they consume.

Although the regulations supporting consumer protection in Indonesia are quite clear, their implementation still faces various challenges. One of the main obstacles is the low level of public awareness of their rights as consumers. Many consumers do not fully understand that they can demand quality and clarity of information from the products or services offered. On the other hand, some business actors are also less aware of their obligations to provide transparent information and maintain product quality standards, thus creating gaps in the implementation of consumer protection. On the other hand, there are also challenges in law enforcement related to consumer protection. Although the Consumer Protection Law provides a legal basis for consumers to file complaints or demands if they feel disadvantaged, the dispute resolution process is often hampered by bureaucracy and the lack of effective dispute resolution facilities. The Consumer Dispute Resolution Agency (BPSK) was established to handle disputes between business actors and consumers in a non-litigation manner; however, the existence of BPSK has not been fully effective in resolving these problems.

The main objective of consumer protection policy is to increase consumer awareness and ability to protect themselves. This includes empowering consumers to be smarter in choosing products and understanding their rights. With this increased awareness, it is hoped that a more balanced relationship will be created between consumers and business actors, where each party can exercise their rights and obligations properly.

A review of hygiene and consumer protection programs in other Islamic boarding schools shows that the success of these programs often depends on the active participation of students and support from the boarding school management. For example, several Islamic boarding schools have implemented separate waste management systems and routine gotong royong activities that have succeeded in increasing students' awareness of the importance of cleanliness. The results of these programs show that when students are directly involved in cleaning activities, they are more likely to keep their surroundings clean.

In the context of e-commerce, consumer protection is also an important issue because many transactions are conducted online without physical interaction between buyers and sellers. UUPK regulates electronic transactions by emphasizing the importance of transparency of product information and transaction security. Consumers have the right to receive complete information about a product before making a purchase and a guarantee of the security of their personal data when transacting online.

Overall, the legal aspect of consumer protection in Indonesia is an important part of the national legal system that aims to protect the interests of the community as users of goods and services. Although there have been quite good regulations through the UUPK, its implementation

still requires further attention so that it can run effectively and provide real benefits to the community (Wahyulina & Chrisdanty, 2023a).

Legal Aspects in E-Commerce Transactions

Technological advances, especially the internet, have revolutionized the way we buy and sell. Currently, transactions between sellers and buyers can be done without meeting in person. These online buying and selling transactions are known as e-commerce, which can be simply interpreted as electronic transactions (Barkatullah, 2019). E-commerce involves trade transactions between sellers and buyers, either to provide goods, services, or transfer of rights (Permata & Haryanto, 2022). This process is carried out through electronic media (digital media) without the physical presence of both parties involved. This media is based on a public network with an open system, such as the internet or world wide web, so that transactions can take place without being limited by geographical area or national regulations (Torong, 2021).

E-commerce transactions have become an integral part of the modern economy, especially in Indonesia, where the growth of digital platforms and online shopping is increasingly rapid. In this context, the legal aspect plays an important role in protecting all parties involved, especially consumers. The legal aspect in e-commerce transactions covers various issues related to the legality of electronic contracts, consumer protection, personal data protection, intellectual property rights, taxation, and business competition (Admin, 2023).

E-commerce can be defined as a business activity that involves the exchange of information and data via the internet network, which allows sellers and buyers to negotiate and transact without having to meet in person. According to Amir Hartman in the book *Net Ready: Strategies for Success in the Economy*, e-commerce is an electronic-based business mechanism that utilizes the internet as the main medium in the process of exchanging goods or services (Indrajit, 2001). In practice, e-commerce includes two main forms, namely transactions between institutions or Business to Business (B2B) and transactions between institutions and direct consumers or Business to Consumer (B2C). These two models represent the flexibility of e-commerce in reaching various business needs, from cooperation between companies to direct service to consumers (Situmorong, 2016).

In e-commerce, transactions can involve various parties with varying levels of involvement, either directly or indirectly, depending on the complexity of the transaction. These transactions can be done entirely online, covering all stages from start to payment, or only some stages are done online. In principle, the agreements used in e-commerce are no different from conventional transactions, but are drawn up in the form of electronic contracts. According to Johanes Gunawan, electronic contracts refer to standard agreements that are designed, drafted, determined, duplicated, and distributed digitally through websites by business actors unilaterally, without involving negotiation or prior approval from other parties, which are generally consumers. (Artanti & Widiatno, 2020).

The validity of electronic contracts in e-commerce is one of the important legal aspects that must be met to ensure that transactions run in accordance with applicable legal provisions. According to Article 1320 of the Civil Code, the requirements for a valid agreement include: an agreement between the parties, the legal capacity of the parties involved, a clear object of the agreement, and a purpose that does not conflict with the law. In electronic transactions, the offer and acceptance process is often carried out through a digital platform, such as a website or application, thus becoming a new form of realization of the agreement of the parties.

In order for electronic contracts in e-commerce to have the same legal force as traditional contracts, business actors need to ensure that all elements of the agreement's validity are met. In addition, the use of electronic signatures or other digital authentication mechanisms is also an important element to validate the identities of the parties and prevent potential disputes in the future. This effort aims to create fair legal protection for all parties involved. Consumer protection is a crucial aspect in e-commerce transactions.

Law No. 8 of 1999 concerning Consumer Protection provides a legal basis for the protection of consumer rights in transactions. Business actors are required to provide clear information about the products or services offered, including product specifications, prices, and return policies. In addition, consumers have the right to file a complaint if the product received does not match what was promised. This is important to prevent fraudulent practices and increase consumer confidence in online transactions (Admin, 2023; Ramli et al., 2020).

In e-commerce transactions, the collection and processing of consumer personal data is commonplace. Therefore, personal data protection is a very important legal aspect. The Electronic Information and Transactions Law (UU ITE) regulates the protection of personal data and requires business actors to obtain consent from consumers before collecting their data. In addition, business actors must also ensure that the data is protected from unauthorized access and misuse (Dianta, 2023). With increasing awareness of data privacy, personal data protection will be a key factor in building consumer trust in e-commerce platforms.

The last legal aspect that needs to be considered is the regulation related to business competition. Antitrust law aims to prevent business practices that harm consumers or create monopolies in the e-commerce market. Business actors must ensure that their business practices do not violate the provisions of competition law so as not to face sanctions from the competent authorities. This includes prohibitions on fraudulent practices such as unfair pricing or the dissemination of misleading information about competitors' products.

Although there are various regulations governing the legal aspects of e-commerce transactions, there are still significant challenges in their implementation. One of the main challenges is the low level of public awareness of their rights as consumers and the obligations of business actors in maintaining the quality of products and services. Many consumers still do not fully understand their rights in online transactions, making them vulnerable to fraud.

In addition, law enforcement is also a separate obstacle. Although there are institutions such as the National Consumer Protection Agency (BPKN) and the Consumer Dispute Resolution Agency (BPSK), the dispute resolution process is often hampered by bureaucracy and a lack of adequate human resources to handle these cases efficiently. This causes many consumers to feel frustrated when facing problems with business actors.

The Role of Government in Consumer Protection

Consumer protection is a crucial element in realizing justice and public welfare, especially in the digital era marked by the increase in e-commerce-based transactions. In this case, the role of the government is very strategic in building a legal framework that is able to protect consumer rights while requiring business actors to be responsible for the goods and services they offer. To support these efforts, the government has implemented various policies and regulations specifically designed to strengthen consumer protection, especially in e-commerce activities in Indonesia. This approach aims to create a safe, fair, and trusted digital transaction ecosystem, in order to support economic growth while guaranteeing consumer interests.

Consumer Protection Regulations and Policies

One of the strategic steps taken by the government in an effort to protect consumers is the ratification of Law Number 8 of 1999 concerning Consumer Protection (UUPK). This law serves as a legal basis that establishes consumer rights and the obligations of business actors. Based on the provisions of the UUPK, consumers have the right to safety, health, security, and comfort in using goods and services. In addition, consumers also have the right to receive transparent and honest information about the products they buy, and have access to submit complaints if they experience losses. On the other hand, the UUPK stipulates the responsibility of business actors to provide accurate information and ensure the quality of the goods or services offered. Thus, this law not only protects consumers but also encourages business actors to carry out ethical and responsible business practices, which ultimately creates a fairer and safer trading ecosystem.

In the context of e-commerce, the government also issued the Electronic Information and Transactions Law (UU ITE) which regulates electronic transactions and personal data protection. The ITE Law provides a legal basis for transactions conducted online and establishes provisions regarding the security of consumers' personal data. This is very important considering the large amount of personal information collected during the online transaction process.

Formation of Supervisory Institution

The government also established the National Consumer Protection Agency (BPKN) as an institution tasked with overseeing the implementation of consumer protection. BPKN has the authority to receive complaints from consumers, conduct investigations into alleged violations of consumer rights, and provide recommendations to the government regarding consumer protection policies. With the existence of BPKN, it is hoped that the public can more easily access consumer protection services and convey their complaints.

The Consumer Dispute Resolution Agency (BPSK) is an institution tasked with handling disputes between consumers and business actors through non-litigation mechanisms. The main function of BPSK is to provide fast and efficient resolution of consumer disputes without having to go through a court process that often takes a long time. Thus, BPSK becomes an alternative means that supports the protection of consumer rights and creates justice more practically in the relationship between consumers and business actors.

Consumer Education and Awareness

The government also plays a role in increasing public awareness of their rights as consumers through various educational programs. Information campaigns on consumer protection are conducted through mass media, seminars, and workshops to provide the public with an understanding of how to protect themselves when transacting online. With this increased awareness, it is hoped that the public can be smarter in choosing products and understanding their rights.

This education also includes training for business actors on their responsibilities towards consumers. The government encourages business actors to comply with existing regulations and provide quality services to consumers.

Law enforcement

Law enforcement is an important aspect of consumer protection. The government has a responsibility to ensure that the law is implemented properly and that business actors who violate consumer rights are subject to sanctions in accordance with applicable provisions. These sanctions can be in the form of fines, revocation of business licenses, or even criminal action for serious violations.

The government also conducts routine monitoring of e-commerce activities to ensure that business actors comply with consumer protection standards. If violations are found, the government must act firmly to enforce the law to protect the interests of the community (Panjaitan & Sihotang, 2023).

Analysis of the Effectiveness of Policies Related to Consumer Protection in E-commerce Transactions in Indonesia

Consumer protection in e-commerce transactions in Indonesia is an increasingly important issue along with the rapid growth of the digital industry. As more consumers turn to online platforms for shopping, the challenges in protecting their rights also increase. Existing consumer protection policies must be evaluated for their effectiveness to ensure that consumers are protected from detrimental business practices, such as fraud, inaccurate information, and low-quality products. In this context, analyzing the effectiveness of consumer protection policies is very important to understand the extent to which existing regulations are able to provide adequate protection for consumers (Poernama, 2023).

In the Indonesian context, consumer protection is regulated through a number of regulations, including Law No. 8 of 1999 concerning Consumer Protection (UUPK) and Government Regulation No. 80 of 2019 concerning Electronic Trading (PP 80/2019). UUPK is the legal basis for protecting consumer rights, such as the right to accurate information, the right to make free choices, and the right to receive compensation for losses experienced. On the other hand, PP 80/2019 focuses on the regulation of transactions carried out electronically, especially in the scope of e-commerce, by establishing obligations for business actors to provide transparent and clear information regarding the products and services they offer (Ajeng, 2010).

However, despite the legal framework in place, the challenges in its implementation remain significant. Research shows that business actors' compliance with consumer protection regulations is still low. According to research in Batam, only around 55% of e-commerce business actors comply with applicable consumer protection regulations. This reflects the gap between regulations and practices in the field. Since the issuance of Law Number 8 of 1999 concerning Consumer Protection, Indonesia has regulated consumer protection, including in the world of e-commerce. This regulation aims to protect consumer rights from detrimental business practices. However, along with the rapid development of e-commerce, new challenges have emerged in the implementation of consumer protection policies. These include issues of information transparency, returns of goods, and dispute resolution which are often obstacles in online transactions.

Clarity of Information

One important factor in e-commerce transactions is clear information about the products sold, including product descriptions, prices, and additional costs. The Consumer Protection Act stipulates that information provided by sellers must be correct, not misleading, and easy for consumers to understand. However, in practice, many consumers complain about the discrepancy between the products received and the descriptions provided by the seller. Policies related to effective information clarity still require strict supervision from relevant authorities, such as the Commodity Futures Trading Supervisory Agency (Bappebti) and the Financial Services Authority (OJK) which are responsible for supervising online trading.

Transaction Security

Online transaction security is also a major focus in consumer protection policies. Safe and fraud-free e-commerce transactions are highly dependent on the payment system used. In Indonesia, various e-commerce platforms have implemented secure payment systems, such as using data encryption and providing payment options through third-party services. However, despite efforts by the government and platforms to improve transaction security, many cases of fraud still occur, such as unrecorded payments, items not delivered, or shipments to the wrong address. Therefore, stricter policies and more intensive supervision are needed to make e-commerce transactions safer (Barkatullah & Prasetyo, 2006).

Right to Return Goods

Consumer rights to return goods are one aspect that needs to be considered in e-commerce. Based on the Consumer Protection Act, consumers have the right to receive products that are in accordance with their orders or even to return goods that do not meet expectations. However, many consumers have difficulty when trying to return goods purchased online. This is due to unclear or difficult return policies by some e-commerce platforms. Some platforms offer flexible return policies, but some still have complicated procedures. Therefore, it is important for existing policies to ensure that these consumer rights are guaranteed with easy and clear procedures (Wahyulina & Chrisdanty, 2023).

Dispute Resolution

Disputes between consumers and sellers are also a common problem in e-commerce. Many consumers feel disadvantaged, but do not know how to file their complaints or disputes.

The Indonesian government has established several dispute resolution mechanisms, such as through the Consumer Dispute Resolution Agency (BPSK). However, the effectiveness of these mechanisms is still limited, especially in cases involving large business actors or those operating overseas. Dispute resolution on e-commerce platforms also often requires a long and non-transparent process, which makes consumers feel frustrated (Fista et al., 2023).

Limited Access to Information

Although there are regulations that require sellers to provide clear and transparent information, the reality is that many consumers do not have enough knowledge to understand their rights. Limited access to information and low understanding of consumer rights are still a problem (Kusumadewi & Sharon, 2022).

Impact on Consumers and Business Actors

The implementation of consumer protection policies in e-commerce transactions in Indonesia has a significant impact on both consumers and business actors. E-commerce in Indonesia has grown rapidly, creating new challenges and opportunities in the world of trade. Therefore, appropriate policies are needed to protect consumers from fraud, inappropriate products, or detrimental transactions, and to ensure that business actors can also operate fairly and transparently.

Impact on Consumers

One of the main impacts of consumer protection policies is to provide legal certainty regarding consumer rights in e-commerce transactions. Law Number 8 of 1999 concerning Consumer Protection provides a clear legal basis for consumer rights, such as the right to obtain correct information, the right to choose goods/services, the right to product safety, and the right to file complaints or request returns. Consumers now have better protection in terms of transparency of product information and the transactions they make, which can reduce losses due to fraud or product non-conformity (Fitra et al., 2022; Poernama, 2023).

According to research conducted by Fitra, the effectiveness of legal protection for consumers in e-commerce still needs to be strengthened, especially in resolving disputes between consumers and business actors. However, existing policies provide opportunities for consumers to access easier and faster dispute resolution through e-commerce platforms that have provided complaint and mediation features (Fitra et al., 2022).

On the other hand, although the right to return goods is an important part of consumer protection policies, its implementation in the e-commerce world does not always run smoothly. Many consumers complain about return policies that are not transparent or difficult to implement. In some cases, complicated return procedures and long refund times often make consumers feel disadvantaged.

Policies that focus on transparency and transaction security also increase consumer trust in e-commerce platforms. Payment security, such as the use of data encryption and two-factor authentication systems, provide consumers with a sense of security in making transactions. This has the potential to increase consumer participation in the e-commerce market, which in turn drives the growth of the digital economy in Indonesia.

However, even though there are regulations to address fraud and violations, there are still a number of fraud cases in e-commerce transactions that cannot be resolved quickly. Therefore, stricter supervision from the government and related institutions such as Bappebti and OJK is very important to ensure that consumer rights are well protected.

Impact on Business Actors

The implementation of consumer protection policies brings its own challenges for business actors in the e-commerce sector. Business actors must comply with various regulations governing e-commerce transactions, such as the obligation to provide accurate information about

products, prices, and return policies. This often adds to the administrative burden for business actors, especially for small and medium businesses that may not have the resources to meet these requirements.

A study shows that although most business actors in Indonesia already understand the importance of following consumer protection regulations, there are still obstacles related to low levels of compliance in several business sectors. Business actors often feel burdened by the lengthy procedures and costs associated with implementing the policy.

Business actors who do not comply with the provisions set out in the consumer protection policy can be subject to quite severe sanctions. Therefore, business actors must ensure that they fulfill applicable legal obligations, such as providing return rights and resolving disputes with consumers. Although the purpose of the consumer protection policy is to create a fair market, for business actors, this can potentially add significant operational costs. Especially for small businesses that have difficulty meeting all existing legal requirements, this policy can be an additional burden that affects their profitability.

On the positive side, the implementation of consumer protection policies can also create healthier competition in the e-commerce market. With regulations that require business actors to provide clear information, avoid fraud, and offer quality products, this encourages business actors to improve the quality of their services and products. Businesses that do not comply with regulations or that are proven to harm consumers will be abandoned by the market. Therefore, consumer protection policies help create a fairer and more transparent business ecosystem.

Having a dispute resolution mechanism that is more accessible to consumers, often provided by the e-commerce platform itself, also provides benefits for businesses. With a more structured policy for dispute resolution, businesses can resolve issues with consumers without having to involve a lengthy and expensive legal process. This can reduce dispute resolution costs for businesses, which ultimately increases operational efficiency (Undang-Undang Nomor 8 Tahun 1999, 1999; Hamsah, 2019).

CONCLUSION

The implementation of consumer protection policies in e-commerce transactions in Indonesia has had a positive impact, such as increasing awareness of consumer rights and the responsibilities of business actors. However, there are significant obstacles such as inequality in the fulfillment of rights and obligations, as well as weak legal supervision of violations by business actors. Although regulations such as the ITE Law and Law No. 8 of 1999 concerning Consumer Protection have regulated consumer rights, their effectiveness is still limited due to the lack of public education, weak law enforcement, and the complexity of disputes in the digital realm.

Future policy recommendations include strengthening consumer education through public campaigns, providing faster and more transparent online dispute resolution mechanisms, and intensive supervision of business actors on e-commerce platforms. In addition, collaboration between the government, business actors, and consumers is needed to ensure compliance with regulations, while continuing to encourage innovation in the e-commerce industry.

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