

Harmonization of Customary Law and Islamic Law in the Zereah Tradition of Marriage in Hiang Tinggi Village: A *Maqasid al-Shariah* Perspective

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Abstract.

This study examines the Zereah tradition as a post-marriage customary practice and analyzes its role in harmonizing Islamic law and customary law through the maqasid al-shariah framework. The tradition functions to reinforce kinship ties, introduce newbyeds to the wider community, and ensure social legitimacy. It involves symbolic elements such as traditional attire, communal prayers, and marital advice, reflecting the integration of cultural and religious values. While previous studies have primarily emphasized the formal-legal aspects of the marriage contract, this research highlights the customary sphere as a crucial space for the social contextualization of Sharia. Employing a qualitative empirical design with normative-theological and socio-legal approaches, data were collected through observation and in-depth interviews with married couples, customary and religious leaders, and community members. Secondary sources included fiqh literature on maqasid al-shariah and 'urf, marriage legislation, and related studies. Data were analyzed using the interactive model with source triangulation to ensure validity. The findings reveal that Zereah is practiced in a simple and non-coercive manner, involving symbolic offerings such as cigarettes, sweets, and betel wrapped in a sarong, while the couple often receives rice or monetary support, reflecting communal solidarity. From an Islamic legal perspective, the tradition qualifies as 'urf sahib and promotes maslahah. Within the maqasid al-shariah framework, it supports the preservation of religion, life, intellect, lineage, and wealth. The study's novelty lies in conceptualizing Zereah as a model of dialogical legal harmonization that operationalizes Sharia objectives and strengthens the socio-normative legitimacy of marriage.

Keyword:

Customary Law; Islamic Law; Maqasid al-Shariah; Marriage Tradition; Legal Harmonization; Zereah Tradition.

INTRODUCTION

Indonesia, as a country rich in culture and tradition, continues to have its people firmly uphold the customs inherited from their ancestors to this day (Hamzah, 2022). Each region possesses local wisdom that emerges from the values and behaviors of its community, shaped through a long process and passed down from generation to generation (Baroroh & Sabila, 2024). Islam, as a religion derived from the Al-Qur'an and the Sunnah, gives considerable attention to customs and societal practices as potential sources of Islamic law, subject to certain refinements and limitations. Islam recognizes local customs (*'urf*) as a potential source of law as long as they do not contradict the principles of the Sharia (Iskandar & Tarsid, 2025), such as one of the traditions that continues to be practiced in Hiang Tinggi Village, namely *zereah*. Such traditions are not merely social practices but are often deeply rooted in historical and cultural systems, including ancestral rituals, kinship structures, and local wisdom that have been preserved through oral traditions and customary institutions across generations.

The *Zereah* tradition in the marriage practices of the Hiang Tinggi Village community represents a form of local wisdom that reflects the intersection between customary law and Islamic law in socio-religious life. This tradition is carried out by the bride and groom after the marriage contract by visiting the houses of customary leaders, religious leaders, the *sudut 4* and *sudut 8*, as well as the village head. This practice is collectively observed as part of a living customary system and functions as a means of social legitimization of the marriage that has taken place.

In contrast to pilgrimage (*ziarah*) practices in various regions of Indonesia, which are predominantly oriented toward visiting ancestral graves, such as the post-marriage grave visitation tradition in Manisa Subdistrict, Sidrap Regency (Syandri et al., 2020), and similar traditions observed in Javanese and Madurese cultural contexts, *Zereah* in Hiang Tinggi Village is instead directed toward living figures. This distinction indicates that the meaning of pilgrimage in the local context is not solely spiritual in orientation, but rather emphasizes the strengthening of social relationships and communal recognition of marital bonds. From the perspective of Islamic law, this practice warrants analysis within the framework of harmonization between custom (*adat*) and *Sharia*, particularly through the *maqasid al-shariah* approach to assess its public benefit (*maslahah*).

From the perspective of *maqasid al-shariah*, the concept of *maslahah* is rooted in Islamic teachings that aim to preserve essential human interests. The Qur'an emphasizes the importance of maintaining social relations and kinship (*silaturahmi*), as stated in Q.S. An-Nisa 4:1, which encourages believers to uphold family ties. In addition, the Prophet Muhammad (peace be upon him) said, "Whoever believes in Allah and the Last Day, let him maintain the ties of kinship" (HR. Bukhari and Muslim). In the

framework of Islamic legal theory, such practices may also be understood through the concept of *'urf* (custom), which is recognized as a source of law as long as it does not contradict Sharia principles, as well as *istihsan* (juristic preference), which allows flexibility in determining rulings based on public benefit (*maslahah*).

A number of previous studies have demonstrated various typologies of the relationship between local traditions and Islamic law in the context of social rituals and marriage. Syandri et al., (2020) show that certain grave visitation practices contain elements that deviate from prophetic teachings, leading to normative problems. In contrast, Tamam et al. (2025) classify the tradition of determining auspicious days as *'urf sahib*, as it does not contradict tawhid and fulfills the requirements of marriage. Meanwhile, Iskandar and Tarsid (2025) find that certain rituals involving offerings and prohibited elements cannot be accommodated within Islamic law. On the other hand, Ansori et al. (2025) and Baroroh and Sabila (2024) demonstrate that some traditions align with Islamic principles and function to preserve social harmony.

These diverse findings indicate that customary practices may exist along a spectrum: some are in harmony with the objectives of the Sharia, while others are theologically contradictory. This variation reflects the dynamics of legal pluralism, in which customary law and Islamic law coexist and interact through processes of negotiation and adaptation within society (Tabroni et al., 2025). Therefore, each tradition requires both normative and substantive analysis to assess its status within Islamic law, particularly within the framework of *'urf* and the objectives of the *Sharia (maqasid al-shariah)*.

Based on the literature review, most studies focus on grave visitation, auspicious day determination, or symbolic rituals assessed in terms of their conformity with the Sharia. However, there is limited research that specifically examines the *Zereah* tradition as a mechanism for the social legitimization of marriage within the *maqasid al-shariah* framework. This gap highlights the need to evaluate whether *Zereah* represents public benefit (*maslahah*) or contains unresolved normative issues.

This study examines the *Zereah* tradition as a binding customary practice and analyzes it through the perspective of *maqasid al-shariah* to assess the harmonization between customary law and Islamic law. It contributes to the academic discourse on the integration of local wisdom and Islamic law, particularly in ensuring that customary practices are oriented toward public benefit (*maslahah*).

METHOD

This study employs a qualitative research design with an empirical approach, complemented by normative-theological and socio-legal perspectives (Nasution, 2023). The research is conducted in

Hiang Tinggi Village, Sitinjau Laut District, Jambi Province. The data sources in this study consist of primary and secondary data. Primary data are collected through non-participant observation and in-depth interviews with customary leaders, religious leaders, married couples, and relatives accompanying the bride and groom. Secondary data include academic literature, classical and contemporary *fiqh* texts discussing *maqasid al-shariah* and *'urf*, legislation related to marriage, and previous studies on customary traditions and *maqasid al-shariah*. The data are then analyzed through three stages: data reduction, data presentation, and conclusion drawing, while ensuring validity through source triangulation (Roosinda et al., 2021).

FINDINGS

The findings of this study indicate that the *Zereah* tradition in Hiang Tinggi Village is a structured customary practice that has been preserved across generations and remains actively implemented within the community. The tradition is carried out after the marriage contract and wedding reception as part of the process of integrating the bride and groom into the social structure of the community. The implementation of *Zereah* is conducted over three consecutive nights and follows a clearly defined sequence based on the local social hierarchy. The visits begin with the houses of the *ninik mamak*, starting from the *depati* as the highest customary authority, followed by other customary leaders. Subsequently, the couple visits religious leaders, extended family members categorized as *sudut 4* and *sudut 8*, and finally the village head. This sequence reflects the structured nature of the tradition and its alignment with the existing social order.

During the visits, the bride and groom are accompanied by family members or relatives, indicating that *Zereah* is not an individual practice but a collective social activity involving kinship networks. The couple brings symbolic items such as *sirih sekapur*, cigarettes, and sweets wrapped in cloth. These items serve as expressions of respect and acknowledgment toward those being visited. In practice, flexibility is observed, as sweets may replace cigarettes in households where smoking is not customary. The appearance of the bride and groom also reflects the formal nature of the tradition. The bride wears traditional attire such as *baju merudu*, *songket*, and *tengkuluk*, while the groom wears modest and formal clothing. This indicates that *Zereah* is regarded as an integral part of the customary marriage process and carries symbolic significance related to identity and social acceptance.

The interactions that occur during *Zereah* visits involve not only formal greetings but also dialogue and the delivery of advice from elders and community leaders. These interactions include discussions about marital responsibilities, family life, and social conduct within the community. At the

same time, the couple is introduced to broader kinship relations, allowing them to understand their position within the social network. In addition, the visits to religious leaders serve as a means of obtaining prayers and blessings for the newly established household. The final visit to the village head functions as formal recognition of the couple within the local governance structure. This indicates that *Zereah* encompasses not only social and cultural dimensions but also administrative recognition within the village system.

During the implementation of the tradition, the hosts commonly provide rice or money to the couple as a form of support. Historically, such contributions included basic goods such as rice and livestock; however, in contemporary practice, they are generally given in simpler forms. This change reflects the adaptability of the tradition to evolving socio-economic conditions. Overall, the findings show that *Zereah* functions as a mechanism for social integration, recognition, and relationship-building within the community. The tradition establishes the couple's status as a new family unit while reinforcing social ties among community members. Furthermore, the existence of social sanctions for those who do not perform *Zereah* indicates that it is considered a binding customary obligation that regulates participation within the community structure.

DISCUSSION

The Practice of the *Zereah* Tradition within the Social Structure of the Hiang Tinggi Village Community

The findings reveal that the *Zereah* tradition in Hiang Tinggi Village is not merely a series of ceremonial visits, but rather a structured socio-cultural mechanism that reflects the embedded social order within the community. The sequence of visits, which begins with the *ninik mamak* and culminates in the visit to the village head, demonstrates that *Zereah* operates within a clearly defined social hierarchy. This indicates that the tradition functions as a medium for reinforcing the legitimacy of existing social structures, where each actor holds a recognized position within the customary system.

From a sociological perspective, this structured pattern confirms that customary practices are not spontaneous social behaviors but are institutionalized forms of interaction shaped by long-standing traditions. As stated by (Syamantha et al., 2025), customary law emerges from collective habits and evolves organically within society, functioning as a normative system that regulates social life. In this context, *Zereah* represents a form of living customary law that continues to operate effectively within the community.

Furthermore, the involvement of multiple social actors such as customary leaders, religious leaders, extended family members, and the village head demonstrates that *Zereah* is embedded within a broader social network that integrates kinship, religion, and governance. This aligns with the view of Resty & Fithriyah, (2026), who argue that marriage in customary contexts extends beyond the relationship between husband and wife, encompassing broader dimensions such as kinship relations, social interactions, and communal responsibilities. Thus, *Zereah* serves as a mechanism for formally introducing the newly married couple into this complex social system.

The presence of symbolic elements, such as sirih sekapur, cigarettes, and sweets, further reinforces the cultural dimension of the tradition. These symbols function as expressions of respect and acknowledgment, reflecting the values of politeness and reciprocity that are deeply rooted in local customs. According to Marwa (2021)), customary practices in marriage rituals often function to preserve cultural values and ensure the continuity of social norms across generations. In this regard, *Zereah* can be understood as a medium for transmitting cultural values and reinforcing collective identity.

In addition, the interactive dimension of *Zereah*, particularly the delivery of advice and moral guidance by elders, indicates that the tradition also functions as a space for intergenerational knowledge transfer. This supports the argument of Defriza et al. (2025), who emphasize that cultural traditions in Indonesian Muslim societies often serve as a bridge between past and present values, ensuring continuity while adapting to contemporary contexts. Through this process, *Zereah* not only maintains tradition but also contributes to the socialization of newly married couples into accepted norms of family and community life.

Moreover, the existence of social sanctions for those who do not perform *Zereah* highlights its normative force within the community. This finding confirms that *Zereah* is not merely optional but operates as a binding customary obligation. As noted by Nurdin et al. (2023), customary law is often accompanied by social sanctions that function as mechanisms of control to ensure compliance and maintain social cohesion. Therefore, the obligation to perform *Zereah* reflects its role as a regulatory institution within the social structure of the community.

From a broader perspective, the practice of *Zereah* illustrates the dynamic relationship between tradition and social change. While the core structure of the tradition remains intact, certain elements—such as the simplification of visits and the adaptation of symbolic items—indicate that the tradition is responsive to contemporary socio-economic conditions. This supports the argument of Du et al. (2025)

that cultural practices are not static but continuously evolve through processes of adaptation and negotiation.

Overall, the practice of *Zereah* can be understood as a socio-cultural institution that functions to integrate individuals into the social structure, reinforce collective values, and maintain social cohesion. It operates at the intersection of kinship, custom, and local governance, reflecting the complexity of social life in Hiang Tinggi Village. In this sense, *Zereah* is not merely a ritual activity but a structured social mechanism that sustains the continuity of customary law and community order.

Analysis of the *Zereah* Tradition from the Perspective of *Maqasid al-Shariah*

Islamic law (*Shari'ah*) functions as a comprehensive guide that regulates human life through commands and prohibitions revealed by Allah and His Messenger (Samsidar et al., 2025). Within this framework, *maqasid al-shariah* represents the underlying objectives and purposes of Islamic law, which aim to realize benefit (*maslahah*) and prevent harm (*mafsadah*) (Hamzah, 2022). Etymologically, *maqasid* refers to objectives, while *shariah* denotes the legal path ordained by Allah; terminologically, it refers to the values and orientations intended to be achieved through Islamic law (Andriyaldi, 2021).

Classical scholars such as Al-Ghazali and Al-Shatibi classify *maqasid al-shariah* into three levels: *al-daruriyat*, *al-hajiyat*, and *al-tahsiniyat* (Saragih et al., 2025). At the essential level (*al-daruriyat*), Islamic law seeks to preserve five fundamental aspects: religion, life, intellect, lineage, and wealth (Khashogi, 2022). Al-Shatibi further emphasizes that all legal rulings are oriented toward achieving *maslahah* for humanity (Samsidar et al., 2025). which may take the form of recognized, rejected, or neutral benefit depending on its alignment with Sharia principles (Sutisna et al., 2021). To provide a clearer analytical mapping, the relationship between the *Zereah* tradition and the objectives of *maqasid al-shariah* is summarized in the following table:

Tabel 1. Evaluation of the *Maslahah* of the *Zereah* Tradition Based on the Framework of *Maqasid al-Shariah*

Maqasid Aspect	Empirical Findings Of <i>Zereah</i>	Status	Argumentation
Hifz al-Din	Prayers and religious advice	Aligned	No elements of shirk; strengthens spiritual awareness
Hifz al-Nasl	Social and family legitimization	Aligned	Reinforces responsibility and family structure
Hifz al-Mal	Non-burdensome; receives support	Aligned	Provides economic support rather than burden

Hifz al-Nafs	Sense of social and psychological security	Aligned	No harmful elements; fosters emotional stability
Hifz al-Aql	Advice and moral education	Aligned	Encourages rational awareness and responsibility

As illustrated in the table above, the *Zereah* tradition demonstrates a tendency to align with the primary objectives of the Sharia, as it contributes to the realization of social, economic, and spiritual well-being within the community.

In this theoretical context, the *Zereah* tradition can be interpreted not merely as a cultural practice but as a social activity that potentially reflects the realization of *maqasid al-shariah*. The empirical findings show that *Zereah* contains elements of prayer, advice, social interaction, and communal support, which collectively contribute to the well-being of individuals and the community. This indicates that the tradition operates beyond symbolic rituals and embodies substantive values aligned with the objectives of Islamic law.

From the perspective of religious preservation, the practice of visiting religious leaders and receiving prayers and blessings reflects an effort to strengthen spiritual awareness and reinforce the values of faith. As long as the practice is understood as an expression of supplication to Allah and does not involve elements of shirk, it remains within the framework of preserving religion. In this regard, the orientation of intention becomes a determining factor in assessing its conformity with Sharia principles.

In terms of the preservation of lineage, *Zereah* functions as a mechanism for legitimizing the social status of the couple within the community. The process of introducing the bride and groom to extended kinship networks strengthens family relationships and reinforces social responsibility in building a household. This aligns with the objective of maintaining lineage continuity and ensuring the formation of a socially recognized and responsible family structure.

From an economic perspective, the findings indicate that *Zereah* does not impose a financial burden on the couple. Instead, the tradition involves a reciprocal pattern in which the couple receives material support in the form of rice or money from the community. This demonstrates that the practice contributes positively to economic stability and reflects a system of collective support rather than exploitation. Consequently, the tradition aligns with the objective of preserving wealth, as it does not lead to economic hardship but instead strengthens financial resilience.

In relation to the preservation of life, *Zereah* contributes to psychological and social well-being by fostering a sense of acceptance and belonging within the community. The absence of harmful or

dangerous elements in its implementation indicates that the tradition supports the creation of a safe and harmonious environment. The social interactions and support mechanisms embedded in the practice enhance emotional stability and reduce potential anxiety among newly married couples.

Furthermore, the intellectual dimension of the tradition is reflected in the transmission of advice and knowledge from elders and community leaders to the bride and groom. This process encourages reflective thinking, moral awareness, and preparedness for married life. As long as the practice does not promote irrational beliefs or superstitions that undermine reason, it can be understood as supporting the preservation of intellect.

The maqasid approach itself provides a flexible framework for analyzing the interaction between Islamic law and social practices (Hamzah, 2022; Tohari, 2020; Ra'd & Yassir, 2026). It allows cultural traditions to be evaluated not only based on their form but also on their underlying purposes and impacts. As argued by Tamam et al., (2025), this approach enables Islamic law to promote social harmony and accommodate cultural diversity. In line with this, Luthfi et al., (2024) emphasize that Islamic law does not necessarily reject local traditions but seeks to refine them when necessary to ensure alignment with Sharia principles.

Therefore, the evaluation of *Zereah* should focus on its objectives and social functions rather than its external form alone (Aslati et al., 2024). The findings suggest that the tradition tends to generate more benefit (*maslahah*) than harm (*mafsadah*), particularly due to its non-burdensome nature, its role in strengthening social relationships, and its function as a medium of moral and spiritual reinforcement. However, this alignment is not absolute; it remains contingent upon the community's understanding and the absence of beliefs or practices that contradict the core principles of Islamic law.

Overall, the analysis indicates that the *Zereah* tradition can be positioned within the framework of maqasid al-shariah as a practice that contributes to the realization of human welfare. At the same time, it requires continuous normative awareness to ensure that its implementation remains consistent with the objectives of the Sharia and does not deviate into practices that may undermine its intended benefits.

Harmonization of Customary Law and Islamic Law in the *Zereah* Tradition (Perspective of 'Urf and Maqasid al-Shariah)

The relationship between customary law and Islamic law in the *Zereah* tradition cannot be understood as a static or conflict-free interaction, but rather as a dynamic process of negotiation between two normative systems that coexist within society. Customary law provides social legitimacy

to marriage through communal recognition, while Islamic law establishes its religious validity through the marriage contract and adherence to Sharia principles. Thus, both systems operate in a parallel and interdependent manner, forming a dialectical relationship that reflects the complexity of socio-religious life.

Customary law emerges from collective habits and evolves organically within specific communities (Astuti et al., 2022). In the Indonesian context, religion and culture are closely intertwined, creating a distinctive pattern of Islamic practice that accommodates local traditions while maintaining religious values (Hanafi & Nirwana, 2024). As such, customary practices function not only as cultural expressions but also as normative systems that regulate social behavior and maintain social order through mechanisms such as customary sanctions (Wijaya et al., 2025).

Within the context of marriage, this integration becomes more evident, as customary law extends beyond the legal bond between husband and wife to encompass kinship relations, social networks, and communal responsibilities (Pranowo & Firdaus, 2020). Marriage is therefore understood as a social institution involving the wider community, and traditions such as *Zereah* function to preserve and transmit social values across generations (Marwa, 2021). Accordingly, *Zereah* should be positioned as an integral component of the broader social system rather than merely an additional ritual following the marriage contract.

The findings indicate that *Zereah* plays a central role in strengthening kinship ties and facilitating social integration. By introducing the bride and groom to extended family members and community leaders, the tradition ensures collective recognition and acceptance. This process reflects the importance of maintaining social relationships (*silaturahmi*), which is also emphasized in Islamic teachings (*Qur'an*, 4:1).

At the practical level, the simplicity of *Zereah* characterized by modest symbolic offerings and the absence of excessive financial demands demonstrates that the tradition prioritizes social solidarity over material display. The reciprocal pattern, in which the couple receives support from the community, further indicates that the tradition functions as a mechanism of collective welfare rather than economic burden. However, the presence of social sanctions for those who do not perform *Zereah* suggests that the tradition also carries normative pressure. In such cases, there is a potential shift from *maslahah* to *mafsadah* if the practice becomes coercive or burdensome.

In Islamic legal theory, such practices are conceptualized as *‘urf*, referring to customs that are widely recognized and practiced within a society (Sholeh, 2023; Ismail et al., 2022; Rosyid & Kushidayati, 2022). According to Abdul-Karim Zaidan, *‘urf* encompasses both verbal and behavioral

patterns that are accepted as social norms (Abubakar et al., 2023). Its validity depends on its conformity with Sharia principles, leading to the classification of ‘urf into ‘urf sahih and ‘urf fasid (Faidah, 2022; Yusuf & Yuslem, 2023).

Islamic law does not reject customs per se, but evaluates them based on their compatibility with the Qur’an and Hadith (Dani & Rahmawati, 2024). In *usul al-fiqh*, ‘urf can serve as a basis for legal consideration as long as it meets specific conditions, such as widespread acceptance, prior existence, and consistency with definitive textual evidence (Saiin et al., 2023). It also functions in legal formulation, interpretation, and adjudication (Abidin & Zaman, 2024).

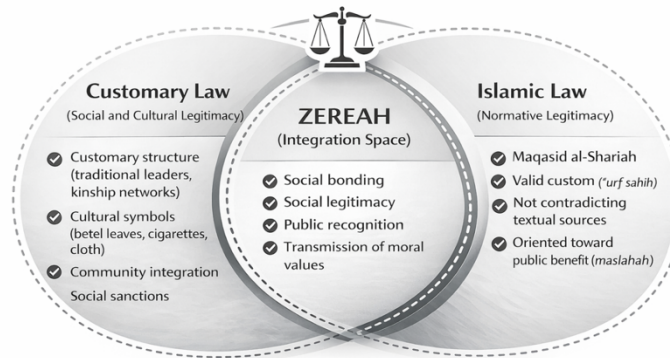
Based on these criteria, *Zereah* can be categorized as ‘urf sahih, as it is widely practiced, does not contradict definitive Sharia principles, and contributes to social welfare. The tradition strengthens kinship ties, promotes social solidarity, and provides moral and material support for newly married couples.

When analyzed through the perspective of *maqasid al-shariah*, which emphasizes the realization of human welfare as the ultimate objective of Islamic law (Zulkifli et al., 2024), *Zereah* demonstrates substantive alignment with the essential objectives of the Sharia. The presence of prayer, moral guidance, social recognition, economic support, and knowledge transmission indicates that the tradition operates at a substantive level in promoting *maslahah*. However, this alignment remains conditional upon the absence of elements that contradict the principles of *tauhid* or lead to excessive social pressure.

Thus, the harmonization between customary law and Islamic law in the *Zereah* tradition can be understood as a form of dialogical integration guided by the principle of *maslahah*. Customary practices gain legitimacy as long as they remain within the normative boundaries of the Sharia, while Islamic law finds contextual expression through local traditions. In this framework, *Zereah* is not merely a cultural practice, but a socio-religious institution that reflects the integration of local wisdom and Islamic legal values in achieving communal welfare.

To conceptualize this relationship, the harmonization between customary law and Islamic law in the *Zereah* tradition can be illustrated as follows:

Figure 1. Harmonization of Customary Law and Islamic Law



The figure illustrates that *Zereah* operates as a mediating space that integrates social legitimacy derived from customary law and normative legitimacy derived from Islamic law, both oriented toward the realization of *maslahah* within the community.

CONCLUSION

Zereah is a customary marriage practice that carries both social functions and normative legitimacy within the framework of harmonization between Islamic law and customary law. Empirically, *Zereah* serves as a medium for maintaining kinship ties, a means of introducing the couple to extended family members and the wider community, and a mechanism of social integration so that couples who have undergone the marriage contract are collectively accepted. Its simple practice limited to bringing cigarettes, sweets, and betel (*sirih*) wrapped in a turban cloth shows that this tradition is not oriented toward material extravagance, but rather toward symbols of acceptance and solidarity. Moreover, the provision of rice or money to the bride and groom reflects a form of collective and supportive socio economic assistance.

Viewed through the framework of *maqasid al-shariah*, this tradition is in line with the objectives of preserving religion, lineage, wealth, life, and intellect, as it strengthens family legitimacy, creates social tranquility, and serves as a space for the transmission of values and advice. From the perspective of Islamic law, *Zereah* can be categorized as *'urf sahih* because it does not contradict definitive textual evidence *nass qath'i*, does not contain elements of coercion or extravagance, and is oriented toward public benefit *maslahah*. Thus, *Zereah* represents a dialogical model of harmonization between Islamic law and customary law, which remains valid and relevant as long as it is practiced within the principles of simplicity, public benefit, and non coercion.

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