



Challenges and Implementation of Disability Rights in Singaraja Correctional Facility: A Study of Article 37 of Law No. 8/2016

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Abstract

This research discusses the implementation of Article 37 Paragraph (1) of Law Number 8 of 2016 concerning Persons with Disabilities at the Class IIB Singaraja Correctional institution. The objectives of this study are to: (1) Understand and analyze the implementation of Article 37 Paragraph (1) of Law Number 8 of 2016 concerning Persons with Disabilities at the Class IIB Singaraja Correctional Facility, and (2) Identify and analyze the obstacles to implementing Article 37 Paragraph (1) of Law Number 8 of 2016 concerning Persons with Disabilities at the Class IIB Singaraja Correctional Facility. This research is an empirical legal research that is descriptive in nature. The findings of the study are: (1) The implementation of Article 37 Paragraph (1) of Law Number 8 of 2016 concerning Persons with Disabilities at the Class IIB Singaraja Correctional Facility has been pursued to the best extent possible through the establishment of a Disability Service Unit and the fulfillment of various rights and supporting facilities. However, many of the supporting facilities provided do not yet meet the standards mandated by the law. (2) The factors hindering the implementation of Article 37 Paragraph (1) of Law Number 8 of 2016 concerning Persons with Disabilities at the Class IIB Singaraja Correctional institution include limited land, lack of human resources such as the shortage of trained staff to handle disabled inmates, budget constraints, and the ongoing issue of overcrowding at the Class IIB Singaraja Correctional institution.



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A. INTRODUCTION

Indonesia an archipelagic nation located in Southeast Asia, has garnered significant international attention due to its large and diverse population. By 2022, Indonesia stood as one of the world's most populous countries, with an estimated population of 275 million people (Volodin, 2023). This immense demographic scale encompasses an extraordinary variety of cultural, social, and age-based groups, reflecting the nation's rich diversity. From the dynamic younger generation brimming with aspirations to the experienced elderly offering wisdom, every age group plays a critical role in shaping Indonesia's development (Mustika et al., 2021). Across urban centers and rural villages alike, the country pulsates with the energy of millions pursuing dreams, nurturing ambitions, and contributing to their

communities. This unique demographic landscape not only illustrates Indonesia's vibrancy but also highlights the complexity of managing such a populous and multifaceted society (Priamsari, 2019).

Yet, beneath the surface of this demographic richness lies significant challenges, particularly for individuals with disabilities. Despite constituting a smaller proportion of the total population, people with disabilities play an essential role in society and face unique struggles that demand urgent attention (Afiyanah, 2020). Inclusive policies aimed at ensuring equitable access to education, healthcare, employment, and infrastructure remain insufficient. While the population of people with disabilities in Indonesia has grown—from 16.5 million in 2021 to 22.5 million in 2022—their integration into all facets of life is far from seamless. Among this group, only 7.6 million individuals of productive age were recorded as employed (Badan Pusat Statistik, 2023). Addressing these disparities requires not just policies but also a fundamental shift in societal attitudes and infrastructure development to enable people with disabilities to live with dignity and independence. Their inclusion is not merely a social obligation but a vital component of a truly equitable and progressive society (Al-Faiq, 2020).

Disability refers to any physical or mental condition that significantly restricts an individual's ability to engage in activities typically deemed normal for humans. The most prevalent forms of disability include visual, auditory, and physical impairments. Disabilities may arise due to various causes, such as genetic predispositions, illnesses, injuries, or environmental factors (Tusianti et al., 2023). Individuals with disabilities, like all citizens of the Republic of Indonesia, are entitled to equal status, rights, responsibilities, and opportunities as guaranteed by the 1945 Constitution (Widianirsih, 2019). This constitutional guarantee underscores the principle that every citizen, regardless of ability, deserves equitable treatment and inclusion. To realize Indonesia's national development goals, which aim to establish a just and prosperous society founded on the values of Pancasila and the 1945 Constitution, the government bears the responsibility of prioritizing the needs of people with disabilities. Proper attention and proactive policies are essential to dismantle barriers and enable full participation of individuals with disabilities in all aspects of society (Kristiandy, 2021).

This inclusivity is not only a moral obligation but also a strategic component in fostering social harmony and national progress. Indonesia as a nation governed by law, upholds the legal system as the cornerstone of its governance and societal organization. This principle is enshrined in the Indonesian Constitution, which mandates that all individuals, without exception, are bound by and subject to the prevailing laws (Dwintari, 2021). The interdependence between humanity and law is encapsulated in the Latin maxim "ubi societas, ibi ius" (where there is society, there is law), highlighting the essential role of law in meeting human needs (Djamanat, 2016). Beyond maintaining social order, the law serves as a critical

foundation for ensuring justice and safeguarding human rights for all citizens, including those with disabilities. By providing legal protections and frameworks that promote equality, the law empowers individuals with disabilities to exercise their rights and participate meaningfully in society (Violetta et al., 2021).

As a nation governed by the rule of law, Indonesia places utmost importance on the supremacy of law, ensuring that all actions by the government and society align with prevailing legal regulations. The government is mandated to draft, implement, and enforce laws equitably and without bias. Legal supremacy guarantees that no individual, including state officials, is above the law (Mais, 2019). This principle is essential for preventing abuse of power and corruption, while also promoting transparency and accountability within governance. Every Indonesian citizen is bound by the law and bears responsibility for their actions in both criminal and civil contexts. In criminal law, liability is assessed based on *toerekenbaarheid*, a legal concept used to evaluate whether an individual can be held accountable for their actions. This assessment aligns with the principle of legality, encapsulated in the maxim *geen straf zonder schuld* (no punishment without guilt). This principle aims to ensure justice (Haryani, 2019).

The objectives of criminal law (*strafrechtscholen*) are broadly categorized into two perspectives: the classical view, which emphasizes the protection of individual rights against state power, and the modern view, which focuses on safeguarding society from criminal acts. If an individual is deemed capable of bearing criminal responsibility, they may be prosecuted and subjected to criminal penalties, including imprisonment in correctional facilities. This principle extends to individuals with disabilities, as affirmed by Article 12 of the United Nations Convention on the Rights of Persons with Disabilities (UN CRPD). Ratified by Indonesia through Law Number 19 of 2011, the convention underscores the right of persons with disabilities to be recognized as equal before the law, ensuring their full legal capacity irrespective of location (Effendi, 2017).

Correctional Institutions, commonly referred to as prisons, are defined in Article (1) point 18 of Law Number 22 of 2022 on Corrections. These institutions are tasked with rehabilitating inmates, referred to as Correctional Inmates (*Warga Binaan Pemasyarakatan*, WBP), while upholding human rights, which remain inherent to all individuals, including prisoners. The correctional framework ensures that inmates are treated with dignity, emphasizing the protection and respect of their fundamental rights.

The enactment of Law Number 8 of 2016 concerning Persons with Disabilities represents a concrete step by the Indonesian government toward fulfilling the rights of persons with disabilities across all aspects of life. Specifically, this law mandates that detention centers and correctional facilities provide equitable services for individuals with disabilities. Article 37 explicitly requires these institutions to establish Disability Service Units (*Unit Layanan Disabilitas*,

ULD), which are tasked with ensuring accessibility and services for persons with disabilities. These units are an integral part of institutional structures and are responsible for delivering the necessary support and accommodations to uphold the rights and dignity of persons with disabilities.

However, direct observations at the Singaraja Class IIB Penitentiary reveal significant shortcomings in accommodating individuals with disabilities. The facility lacks adequate infrastructure tailored to their needs, exhibits limited capacity among officers in managing and rehabilitating prisoners with disabilities, and provides restricted accessibility for disabled individuals. These issues highlight an urgent need to enhance the fulfillment of special rights for people with disabilities, particularly as the penitentiary currently houses two inmates with mental disabilities. Given this context, a comprehensive study is warranted to examine the implementation of Article 37 Paragraph (1) of Law Number 8 of 2016 on Persons with Disabilities within the Singaraja Class IIB Penitentiary.

B. RESEARCH METHOD

This research adopts an empirical juridical approach, a methodology that examines and evaluates the practical application of legal norms within society. Empirical legal research focuses on understanding how laws are implemented and enforced in real-world contexts, targeting individuals, community groups, and legal institutions. This approach emphasizes the behaviors, attitudes, and practices of these entities in relation to the application or enforcement of legal provisions. The study specifically investigates the implementation of Article 37, Paragraph (1) of Law Number 8 of 2016 on Persons with Disabilities. This legal provision addresses the rights and protections afforded to individuals with disabilities. The analysis centers on its application to prisoners with disabilities housed in the Singaraja Class IIB Penitentiary. Through this examination, the research aims to evaluate the extent to which the law is operationalized within this institution and whether it aligns with the intended legislative objectives. By focusing on the intersection of legal norms and societal behavior, the research provides critical insights into how laws addressing disability rights are realized in correctional settings. It also highlights potential gaps or challenges in enforcement, offering a nuanced perspective on the effectiveness of the legal framework in ensuring the rights of prisoners with disabilities are upheld. This study thus contributes to the broader discourse on legal compliance, human rights, and inclusivity in the criminal justice system.

C. RESULTS AND DISCUSSIONS

The Implementation of Article 37 Paragraph (1) of Law Number 8 of 2016 Concerning Persons with Disabilities in Singaraja Class IIB Corrections Institution

The fourth amendment to the 1945 Constitution of the Republic of Indonesia incorporates provisions that reflect the evolving global discourse on human rights, which have increasingly become a critical issue and a hallmark of a rule-of-law state. By embedding human rights into the 1945 Constitution, Indonesia has established constitutional guarantees for the protection of human rights for all its citizens and residents. However, the Indonesian perspective emphasizes that the realization of human rights must align with the nation's distinctive characteristics. Furthermore, these rights should be balanced with corresponding obligations to foster mutual respect and understanding among all parties involved (Mangku, 2022). To safeguard the human rights of prisoners with disabilities, specific measures are mandated under Article 61 paragraph (2) letter F of Law Number 22 of 2022 on Corrections, which requires special accommodations for this vulnerable group during their period of rehabilitation in correctional facilities. Additionally, Article 35 of Law Number 8 of 2016 on Persons with disabilities stipulates that judicial processes involving individuals with disabilities must adhere to criminal procedural law while ensuring accessibility. Unlike other criminal offenders, law enforcement agencies are obligated to provide appropriate facilities during judicial proceedings, as specified in Article 36 of the same law. The enactment of Law Number 8 of 2016 on Persons with Disabilities represents a significant step by the Indonesian government in advancing the rights of persons with disabilities across all dimensions of life. Notably, the law explicitly directs detention centers and correctional facilities to deliver equitable services to persons with disabilities. Article 37 of the law unambiguously states: "State detention centers and correctional institutions are required to provide Disability Service Units."

According to this law, the Disability Service Unit (referred to as ULD) is a division within an institution or agency tasked with providing services and facilities to individuals with disabilities. Correctional institutions, in particular, play a crucial role in implementing prisoner rehabilitation programs within the correctional system. This system is designed to support holistic development, with the primary objective of helping prisoners reintegrate into society and resume their roles as contributing members (Pettanase, 2020). This rehabilitative approach emphasizes not only the personal development of prisoners but also their capacity to interact effectively with the broader community upon completing their sentences. The coaching process within correctional institutions is comprehensive, addressing mental, physical, and social dimensions. The ultimate goal is to restore the prisoners' social functionality, enabling them to reintegrate into society as productive individuals who abstain from criminal behavior and positively contribute to their communities. Furthermore, this system aims to reduce the likelihood of recidivism, ensuring that former prisoners do not relapse into past mistakes. Consequently, correctional institutions serve not only as facilities for

confinement but also as centers responsible for preparing individuals for successful social reintegration (Surianto, 2018).

Correctional institutions also serve as platforms for providing guidance and rehabilitation to prisoners undergoing the reintegration process after committing crimes. The overarching goal is to facilitate their transformation into law-abiding and productive members of society (Mufti et al., 2023). In alignment with Law Number 22 of 2022 on Corrections, the correctional system is designed to prepare prisoners for reintegration into society, enabling them to act as free and responsible citizens. While prisoners may lose their freedom during incarceration, they retain their inalienable rights, which are fundamental and inherent from birth (Yuliartini, 2023). As of October 2024, the Singaraja Class IIB Penitentiary houses two inmates with mental disabilities. Among these, one individual is convicted of narcotics-related crimes, while the other is convicted of murder. In accordance with Law Number 8 of 2016 concerning Persons with Disabilities, specifically Article 37 paragraph (1), correctional institutions are mandated to establish Disability Service Units (*Unit Layanan Disabilitas* or ULD) to fulfill the specific rights of persons with disabilities. Based on research findings on the implementation of Article 37 paragraph (1) within correctional institutions, Singaraja Class IIB Penitentiary has demonstrated significant efforts in forming a ULD to address the needs of disabled inmates effectively.

The ULD serves as a vital mechanism to ensure accessibility for individuals with disabilities, including prisoners, correctional inmates (WBP), and visitors with special needs. According to (Sitompul et al., 2023), each correctional technical unit is required to form a ULD team tasked with ensuring equitable access to services for people with disabilities. Key responsibilities of the ULD include ensuring accessibility throughout the handling process for prisoners or WBP, as well as conducting early detection to identify inmates with disabilities to provide them with appropriate care and accommodations. Singaraja Class IIB Penitentiary has made commendable strides in enhancing its facilities and infrastructure to support the ULD (Wicaksono, 2023). Among these efforts is the provision of a designated parking area for individuals with disabilities, designed for easy access and clearly marked with appropriate signage. However, challenges remain, particularly in fulfilling accessibility standards for certain critical facilities. For example, the toilet facilities have yet to meet the specific requirements needed to support mobility and comfort for persons with disabilities. Ideally, these facilities should include sliding doors with a minimum width of 90 cm, an interior space of at least 1.5 meters x 1.5 meters to accommodate wheelchair users, handrails, sitting toilets, and emergency buttons within easy reach (Ishartiwi, 2023).

Another significant gap is the lack of a dedicated block fully equipped for prisoners with disabilities. Such a facility would greatly support the rehabilitation

and adaptation process for disabled inmates, providing a more conducive environment and mitigating the psychological stress often experienced during incarceration. Despite these challenges, Singaraja Class IIB Penitentiary has made substantial progress in implementing Article 37 paragraph (1) of Law Number 8 of 2016. Through its ULD, the penitentiary has worked to provide special treatment and improved facilities for prisoners with disabilities, striving to align with the standards prescribed by law. While additional improvements are needed, these efforts represent a meaningful step toward inclusivity and accessibility within the correctional system.

One tangible effort to improve inclusivity is the provision of designated parking facilities for people with disabilities. These parking spaces are strategically located and clearly marked to enhance accessibility. However, despite their presence, the dimensions of these facilities fall short of established standards, which require a width of 370 cm for single parking spaces and 630 cm for double spaces. Beyond parking, accessible restroom facilities for individuals with disabilities are another critical concern. To meet accessibility standards, restrooms should feature sliding doors with a minimum width of 90 cm, grab bars, seated toilets, and easily reachable emergency buttons. Unfortunately, the restroom facilities at Singaraja Class IIB Penitentiary fail to fully comply with these standards in both dimensions and the provision of essential features. Consequently, the existing facilities do not adequately serve the needs of inmates with disabilities.

The accessibility of pathways connecting rooms and buildings within the penitentiary is another significant challenge. According to accessibility standards, these pathways should be level, free from height differences, and equipped with additional features such as guiding blocks and accessible information boards. Currently, several pathways within the Singaraja Correctional Institution exhibit uneven heights, necessitating further modifications to ensure compliance. Another pressing issue is the lack of fully accessible special blocks for individuals with disabilities. The overcapacity at Singaraja Class IIB Penitentiary presents a significant barrier to establishing such dedicated spaces. Overcrowding directly impacts the management's ability to allocate sufficient and appropriate spaces for inmates with disabilities, thereby diminishing the overall quality of services offered to this vulnerable population.

Places of worship are essential facilities that must prioritize accessibility and inclusivity for individuals with disabilities. At the Singaraja Penitentiary, however, these facilities have yet to fully meet the required standards. Key shortcomings include the absence of sliding doors, properly sloped ramps, and technology-based features such as guiding blocks, braille signage, and sign language interpretation services. While efforts have been made to address the needs of persons with disabilities, further improvements are necessary to align these facilities with

established accessibility standards. In addition to enhancing infrastructure, fostering awareness and understanding among correctional officers regarding the needs of prisoners with disabilities is equally critical. Targeted training programs aimed at equipping officers with the skills and knowledge to effectively interact with and serve individuals with disabilities represent a pressing priority. Such training is expected to enable correctional staff to deliver more inclusive services, ensuring that prisoners with disabilities can serve their sentences appropriately while receiving their rights as guaranteed by law (Alizah, 2023).

Despite efforts to implement Article 37, paragraph (1) of Law Number 8 of 2016 at the Singaraja Class IIB Penitentiary, gaps remain in fulfilling the infrastructure and facility specifications mandated by the legislation. Nonetheless, with increased awareness and the commitment of correctional officers to provide specialized care, the principles of legal justice and equitable treatment can be better realized. Through these initiatives, the objectives of prisoner rehabilitation, as outlined in the relative theory of punishment, can be achieved—offering both a deterrent effect and the restoration of social harmony through appropriate education and rehabilitation measures.

Inhibiting Factors in the Implementation of Article 37 Paragraph (1) of Law Number 8 of 2016 Concerning Persons with Disabilities in Singaraja Class IIB Corrections Institution

The Correctional System, as outlined in Law Number 22 of 2022, embodies a progressive framework to safeguard the rights of prisoners and children while promoting their rehabilitation and self-reliance. Central to this approach is fostering accountability, behavioral reform, and the prevention of recidivism. By equipping prisoners with the tools and mindset for positive change, the system seeks to enable their reintegration into society as law-abiding, responsible individuals who actively contribute to community development. Additionally, the system prioritizes public protection by reducing the likelihood of repeat offenses, aligning with the preventive objectives highlighted in Article 2 of Law Number 22 of 2022 on Corrections. This dual commitment to individual rehabilitation and societal safety underscores the Correctional System's transformative vision, striving to balance personal redemption with collective security.

To fulfill its commitment to inclusivity, Singaraja Class IIB Penitentiary has taken significant steps to implement the provisions of Article 37, paragraph (1), of Law Number 8 of 2016 concerning Persons with Disabilities. However, despite these efforts, several challenges continue to hinder the full realization of this legal mandate. Research underscores multiple barriers that impede the effective application of Article 37, paragraph (1). These obstacles reflect the multifaceted nature of ensuring equitable treatment and accessible services for persons with disabilities within the penitentiary system. Key challenges include limited

institutional capacity, insufficient allocation of resources, and a lack of awareness among stakeholders regarding the specific needs and rights of persons with disabilities. These issues exacerbate the systemic difficulties in providing inclusive and non-discriminatory facilities (Rodiyah, 2023). To address these barriers, a comprehensive and collaborative approach is necessary. This involves institutional reform aimed at fostering a culture of inclusivity, increased resource allocation to improve accessibility, and targeted awareness programs to enhance understanding and sensitivity towards disability rights. By adopting these strategies, Singaraja Class IIB Penitentiary can advance its efforts to safeguard the rights and dignity of persons with disabilities, aligning its practices with the legal and ethical imperatives outlined in Law Number 8 of 2016. Such reforms are essential to ensuring that the penitentiary system becomes a model of equity and accessibility for all individuals, regardless of their abilities.

The limited availability of land poses significant challenges for correctional facilities in providing infrastructure that adheres to accessibility standards, such as accessible bathrooms and health rooms. These facilities are critical, particularly for prisoners with limited mobility, including those who rely on wheelchairs. The absence of such amenities creates physical barriers that impede prisoners with disabilities from conducting their daily activities with dignity and independence. Ensuring physical accessibility within correctional institutions is not only an ethical imperative but also a legal obligation outlined in various regulations, such as Law No. 8 of 2016 on Persons with Disabilities. This legislation underscores the importance of creating accessible environments for individuals with disabilities across all spheres of life, including within the prison system (Subadra et al., 2023).

Another critical challenge is the shortage of adequately trained personnel to address the unique needs of incarcerated individuals with disabilities. Many correctional officers lack specialized training, which results in substandard services and systemic neglect of disabled prisoners. Effective care and attention are essential for individuals with special needs, yet this remains largely unattainable due to skill gaps in the workforce. Furthermore, budgetary constraints compound the issue, preventing correctional facilities from implementing necessary accommodations such as specialized housing units and accessible restrooms that comply with legal and human rights standards. This confluence of factors underscores the broader structural deficiencies within correctional systems, leaving disabled prisoners vulnerable to neglect and marginalization. Addressing this issue requires targeted investment in staff training and facility upgrades to ensure compliance with legal obligations and the promotion of humane treatment for all prisoners.

The problem of overcrowding further compounds the challenges faced by disabled prisoners, particularly in facilities like Singaraja Class IIB Penitentiary. Overcapacity forces disabled inmates to live in cramped and often unsanitary

conditions, exacerbating their physical and mental health challenges. Access to adequate health facilities becomes severely restricted, denying disabled prisoners a fundamental right guaranteed to all incarcerated individuals. This dire situation underscores the urgent need for comprehensive reform in correctional systems to address the neglect and systemic barriers faced by disabled prisoners. Enhanced accessibility, specialized training for officers, and adequate budget allocation must be prioritized to uphold the dignity and rights of all prisoners, regardless of their physical abilities (Hermanto, 2023).

The adjustment and enhancement of physical infrastructure in correctional facilities play a pivotal role in safeguarding the rights of disabled inmates, as mandated by law. This includes creating adequate spaces, reorganizing public areas, and providing facilities that meet accessibility standards. Such improvements ensure that correctional institutions fulfill their obligations to treat inmates as human beings and citizens rather than merely individuals serving sentences. Viewing correctional facilities solely as punitive environments fosters discriminatory practices and undermines the dignity of inmates, particularly those with disabilities (Wijatmoko, 2023). Ensuring that inmates are treated with respect, safety, and fairness is not optional but a legal and moral imperative. This perspective underscores the importance of adopting a rehabilitative rather than punitive approach, emphasizing human rights and inclusivity as core principles in the management of correctional institutions. Without such measures, arbitrary treatment and neglect of inmates' safety become inevitable, leading to systemic injustice and harm (Wardhani, 2022).

Despite these obligations, the implementation of Disability Service Units (ULD) in correctional institutions remains suboptimal, failing to align with the mandates of the law. Significant barriers—such as inadequate infrastructure, insufficient training of human resources, and limited budgets—hinder the realization of humane and inclusive services for disabled inmates (Anwary, 2023). These challenges highlight systemic gaps that cannot be addressed without collaborative and sustained efforts. Effective solutions require synergy between the central government, correctional institutions, and relevant stakeholders, fostering a unified commitment to inclusive reforms. Addressing these deficiencies demands a multifaceted approach, including investments in infrastructure, capacity-building programs for personnel, and strategic allocation of resources. By prioritizing these measures, correctional institutions can evolve into spaces that uphold the principles of equity and human rights, ensuring that no inmate is left behind due to their physical limitations. Only through this comprehensive strategy can the vision of humane and inclusive correctional facilities become a tangible reality (Wijaya, 2021).

D. CONCLUSION

The core of community participation in environmental protection lies in fostering awareness and encouraging proactive measures to preserve the natural environment. This participation encompasses building consciousness, promoting independence, empowering individuals, fostering collaboration, enhancing leadership skills, ensuring effective oversight, and integrating local cultural values. By actively engaging communities, a strong foundation for collective responsibility is established, wherein individuals understand the interconnectedness between human activities and environmental sustainability. Community-driven initiatives, such as environmental education programs, clean-up campaigns, and resource management efforts, encourage a sense of ownership and accountability. Furthermore, integrating cultural traditions into environmental strategies can strengthen the community's commitment to long-term preservation. Overall, community involvement ensures that environmental protection becomes a shared endeavor, driven by collective values and cooperation.

Community responsibility in environmental protection extends across critical dimensions that promote sustainability and accountability. This responsibility begins with increasing environmental awareness and reducing the ecological footprint through informed actions and lifestyle changes. By actively participating in sustainable development, communities contribute to long-term solutions that balance economic growth with ecological health. Additionally, community members play a key role in reporting environmental issues and monitoring local ecosystems to prevent degradation. Education and outreach further equip individuals with the knowledge needed to make environmentally conscious decisions. Participation in environmental movements, such as advocacy groups and conservation projects, also amplifies collective impact. Through these efforts, communities transform environmental protection into actionable responsibility, fostering resilience and sustainable practices for future generations.

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COMPETING INTEREST

We declare that there are no competing interests among the authors regarding this research article

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