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# Baqir al-Shadr's Economic Thought and the Concept of State Economy in Article 33 of the 1945 Constitution

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### ABSTRACT

This study aims to analyze the role of the state in the economy through the lens of Baqir al-Shadr's economic theory. Article 33 of the 1945 Constitution connects this theory to the state's exercise of control. This literature research method gathers and examines secondary data from books, scientific journals, research findings, and pertinent articles using a qualitative method, followed by a normative analysis. According to Baqir al-Shadr, the research findings indicate that Islamic economics is not considered a scientific discipline but rather the practical application of Islamic sharia principles rooted in religious beliefs and devotion. This includes the promotion of social justice and the acknowledgement of various forms of property ownership. Second, exploitative and uncontrollable human behavior, rather than a lack of natural resources, is the true cause of economic issues. Furthermore, the government's involvement is necessary for the oversight and resolution of economic issues, particularly in ensuring the well-being of the population and achieving social equilibrium. Article 33 of the 1945 Constitution explicitly grants the state the authority to manage natural resources for the benefit of the people. This abstract presents a concise summary of the correlation between Baqir al-Shadr's economic ideology and the notion of state control, specifically in regard to Article 33 of the 1945 Constitution. It also examines the effects of this correlation on economic regulation and society's welfare.

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## 1. Introduction

Economics can be perceived from multiple perspectives. Economics can be defined as the study of how humans meet their wants by using the natural resources that are available to them. Economics can be regarded as an independent branch of science with its own set of qualifications. Additionally, economics can function as a system intricately intertwined with a country's policies, which are obviously influenced by ideology, politics, along with laws that are interconnected.

It is an indisputable fact that there is still debate, at this point, about the idiosyncratic, political, and even pragmatic three economic concepts that people use to bridge the gap between meeting their basic needs on a small and intimate level and the national, regional, and global economic systems (Rayuanda and Thamrin 2022). As an illustration, the current dominant economic philosophy is capitalist economics, which was introduced by Adam Smith (Naz 2014). This concept emphasizes individual economic independence and aims to generate maximum wealth by minimizing government intervention (Weingast 2009). Karl Mark, who rejected individual freedom and claimed that it would lead to inequality, harshly and scathingly criticized this economic theory (Gregory 1842). He offered the concept of socialist economics, which, taken to its logical conclusion, turned into a communist economy by advocating total government control over individual rights as a potential anti-capitalistic economic idea. Both massively and structurally, these economic notions appear to be aberrations, yet they present themselves as promising answers to economic difficulties and offer the potential for wealth, hence preventing humanitarian tragedies (Jonathan Benthall 2003; Shariati 1980). Until now, the two prominent value-neutral concepts have failed to deliver on their promises. Instead, the global economic conditions have consistently fluctuated, causing distress and suffering (Corsetti, Pesenti, and Roubini 1999). These fluctuations have even



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posed a threat, leading to tragic economic crises and a decline in buying power due to inflation. This issue has become a recurring problem that remains unresolved (Cukierman 2013).

One plausible explanation for the gradual abandonment and overcrowding of two economic concepts, which are believed to contribute to human civilization's advancement, is the search for more promising solutions and offers (Silbergh 2019). This is done in order to promptly achieve the desired human well-being through the application of economic principles (Ormel et al. 1999). The Islamic economy, which has faced ostracism and mistrust, is gradually gaining acceptance and becoming a source of optimism (Esposito and Myers 2010). Economics, starting as a mere concept, has undergone an extensive and prolonged process of transformation into a theory (Baumol 1993). Within the vast reservoir of Islamic scholarship, there exist several stages of intellectual development that continue to serve as fundamental pillars for contemporary Islamic economic philosophy (Ali 2008; Haniffa 2015; Kuran 2018). Initially, during the period leading up to 450 H, there was a significant development in the field of Islamic economic thinking (Kuran 1986, 2018). During this period, prominent philosophers such as Abu Yusuf, Al-Syaibâni, Abu Ubaid, Yahya ibn Umar, al-Mâwardi, and Ibn Hazm contributed their ideas (Druart 2024; Munif 2019; Nasution 2022). Furthermore, this refers to the span of the subsequent 400 years, specifically encompassing the era of intellectual contemplation led by Al-Ghazali, Ibn Taymiyah, Ibn Khaldun, and other notable figures. Furthermore, the subsequent phase spanning 500 years is distinguished by the intellectual perspectives of notable figures such as Shah Waliyullah, Muhammad ibn Abdul Wahab, Muhammad Abduh, Muhammad Iqbal, and others. These perspectives gradually evolved into the foundation of Islamic economics, as espoused by contemporary thinkers.

Through the application of divine values, known as the value-conditional principles of Islamic economics, the concept of Islamic economic thought continues to evolve. Until it is deemed appropriate for the situation and readily comprehensible for anyone to consider, it will continue to undergo changes and adaptations. With the support of modern economic experts' *ijtihad*, Islamic economics is becoming more and more popular, not only for reasons for dogma and belief but also for conceptual and scientific reasons.

In the fundamental paradigm, Islamic economics is considered an integral part of the teachings of Din al-Islam. It encompasses Sharia values such as the prohibition of gambling (*maysir*), uncertainty (*gharar*), usury, deception (*tadlis*), and injustice (*dzhalim*). Additionally, it emphasizes the principles of justice and humanity, with a focus on achieving happiness (*al-Falah*) in both the material world and the spiritual realm of the afterlife. While there is little room for disagreement among Islamic economists regarding these core principles, there are various interpretations and perspectives that have given rise to different schools of thought when it comes to defining and addressing the fundamental issues within Islamic economics. A minimum of three schools of thought have been identified up to this point in the thinking of modern Muslim economists: the Mainstream School, the Alternative-Critical School, and the *Iqtishâduna* School (Bâqir al-Shadr).

This research paper will examine Baqir al-Shadr's thought, which is well-known for his outstanding work entitled *iqtishaduna*, in the context of economic law. Specifically, it will address the concept of economic problems and the role of the state in addressing them, as it relates to the theory of state control rights in Article 33 of the 1945 Constitution. This is an intriguing perspective that will be highlighted in the discussion of economists' common sense, which is concentrated in the study of Islamic economics.

## 2. Critical Riview

### 2.1 Epistimology of Sharia Economics

As previously stated, one can view economic theory as a family of sciences and even as a system from various perspectives. Despite the persistent perception of political power as the dominant force in the world, economics, as a theory or family of sciences, has undergone significant development throughout history. The Indonesian populace has been practicing Islamic economics for a long time, primarily due to the introduction of Islam by Arab traders. For a considerable amount of time, the existing culture has integrated economic activities based on the principles of sharia, or Islamic economics. The practice of trade (*tijarah*) and the institution of *maro* and *mertelu* in agricultural land management are two examples. These practices persisted even after Haji Samanhudi founded Syarikat Dagang Indonesia (SDI) in the early 20th century to organize the traders' movement in response to Dutch imperial capitalist economic practices and Chinese trade. Other examples include the political movement of HOS Tjokroaminaoto, the founding of Muhamamdiyah, Nahdhatul Ulama, Persis, and the establishment of Muhamamdiyah, Nahdhatul Ulama, Persis. These entities remain inextricably linked to the world of trade until Islamic values find their way into laws such as Law No. 5 of 1960 on the Principles of Agrarian Fundamentals. The Indonesian Ulema Council's establishment of Bank Muamalat in 1991, following the enactment of the 1960 Agrarian Principles Law, illustrates the integration of the Islamic or sharia economy into Indonesian society.

When examining history, it is widely accepted that Islamic economics is the result of intellectual contemplation. The remarkable works of academics provide extensive documentation supporting this notion (Kuran 2018; Mahomedy 2013).



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Moreover, experts continue to dispute over the validity of the conclusions derived from Islamic economics scholars' research, as they require further verification. Diverse ontological, epistemological, and axiological perspectives contribute to these disagreements. We will elucidate the understanding of Islamic economics from an epistemological standpoint in this instance. The Greek terms "logos," which means "knowledge," and "episteme," which means "theory," are the origin of the term "epistemology." Epistemology is synonymous with the theory of knowledge. Epistemology is the branch of philosophy that examines the source, organization, approach, and reliability of knowledge. Epistemology is the branch of philosophy that examines the entire process of acquiring knowledge, including its sources, techniques, and validity. Economics, derived from the Greek words "oikos" (meaning "household") and "nomos" (meaning "rule"), refers to the study of how households manage resources. Thus, economics, the English term, refers to the field of study concerning the management of household affairs. Economics is terminologically defined as the examination of human behavior in relation to the efficient utilization of limited resources for the production, distribution, and consumption of products and services. Over time, the term "household" expanded its definition beyond a nuclear family, encompassing a spouse and their offspring. People also use the phrase more broadly, including communal and state homes. On the other hand, the epistemology of Islamic economics incorporates the primary knowledge sources, the Qur'an and the Hadith. The study methodology employs *ijtihad*, which involves the use of *ijma* and *qiyas*, along with other *idtidlal* approaches. Three methodological frameworks assess the credibility of the study. The fundamental principles and concepts of Islamic economics are based on the teachings of the Qur'an, Sunnah, and *Fiqh Al-Maqasid*. We should employ these concepts to construct a systematic structure for Islamic economics. Furthermore, this pertains to the application of Islamic values or the assessment of value judgments in economic situations. This method investigates the concept of utility in Islam. Thirdly, the Science of Positive Economics section applies Islamic ideas to real-world economic realities. These three methodologies construct and advance Islamic economics.

*2.2 The Biography of Baqir al-Shadr*

Imam Al-Sayyid al-Syahid Born in Kadhimiyyeh on March 1, 1935 AD, or 25 Dhulqaidah 1353 AH (Syamsuatir 2012). Muhammad Baqir bin Al-Sayyid Haidar Ibn Ism'il Al-Shadr originally came from this world (Ismael and Mikhlaf 2023). Ismail al-Shadr, his oldest brother, instructed him in the subjects of *mantiq* and *ushul fiqh* (Pholen and Londe 1998; Staley 2005). Following that, he studied in Najaf under Ayatullah "Udhma Sheikh Ridho al Yasin" and Ayatullah "Udhma Abul Qosim." Muhammad Bâqir al-Shadr is a follower of the Imamiyah Shi'a group within the Shi'a community (Suyadi 2021). The Shi'a sect has four distinct sects, namely the Caesareans, Zaydids, Imamiyads, and the Wrathites. The Imamiyah Shia sect holds the belief that the Prophet Muhammad designated Ali bin Abi Talib as his successor and leader, known as the Imam. Shadr's exceptional intelligence led him to achieve the status of *Mutlaq Mujtahid* at the young age of twenty. He subsequently advanced to a more prestigious post on the "marja," which is the council of judges. Shadr's discussion of the Islamic tradition also addresses this intellectual and spiritual authority. In his work, "Iqtishaduna," meaning "our economy," he elucidates strategies for attaining independence through the use of astute discourse (Indra 2024). Despite Shadr's traditional background, he remains attentive to the significant challenges present in the modern world (Aziz 2011). Shadr had a deep understanding of economics, law, history, philosophy, sociology, and other social sciences, much like Taleghani and other progressive and engaged scholars (Hassankhani et al. 2010). He consistently expressed his viewpoints on the condition of Muslims and urged them to emancipate themselves from economic and political imperialism (Choiriyah 2016).

Shadr's books offer a meticulous evaluation of capitalism and socialism, along with proposing remedies for Islamic ideology and economic systems (Stewart 2002). *Iqtishaduna*, which was written in the 1960s, is regarded as the first comprehensive, Islamic-perspective examination and comparison of economic systems (Ahmad 2011; Khan 2011). Economic experts continued to utilize this perspective in the 1990s. In 1982, the Iranian government undertook the task of translating his book into English for a duration of one year (Gheissari 1979). This initiative played a significant role in facilitating a broader comprehension of Shadr's beliefs (Rosental 2017). Baqir (1991) "Juristic-Economic" approach has solidified his position as a prominent Muslim intellectual, and his ideas continue to be pertinent for consultation. Over the course of the last decade, Shadr has endured persistent persecution at the hands of the Ba'ath regime in Iraq (Ahram 2013; Timothy 2005). The Ba'ath administration tortured and imprisoned Shadr until April 8, 1980, when they finally sentenced him to death due to their fear of his immense authority (Freamon and Freamon 2003; Inggita 2018).

*2.3 Article 33 of the 1945 Constitution The Concept of Control by the State*

Article 33 of the 1945 Constitution, also known as the Article of Indonesian Economic and Political Ideology, formulates the fundamental idea of Indonesian economic democracy (Baqir, Timur, and Saepudin 2021). It emphasizes two key areas of strategy: first, the production sectors that are vital to the state and provide a living for a large number of people; and second, the land, water, and natural resources that are contained therein and must be utilized for the maximum prosperity of the populace (Basuki 2014).



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Van Vollenhoven's treasures of constitutional law contain a theory of state power that divides it into four functions two of which Wongsonegoro refers to as "caturpraja" namely Bestuurrecht (Royal Law), Politierecht (Police Law), Justitierecht (Judicial Law), and Regelaarsrecht (Legislative Law), where the state has the authority to regulate all matters pertaining to the nation and state. J.J. Rousseau proposes another relevant theory, known as the social contract theory, which posits that society's consent and agreement derive governmental authority (Atmadja 2018). This theory's core principle is the agreement to safeguard collective power. In civil law, state control, as defined in Article 33 of the 1945 Constitution, has a greater or wider meaning than ownership (Hosein 2016; Petersmann 2008). The 1945 Constitution embraced the popular sovereignty principle in both the political and economic spheres (economic and political democracy), connecting the idea of state control to public law (Hosein 2016; Kartodihardjo 2020). The Constitutional Court's interpretation defines state power as the authority to develop policies, establish regulations, administer, govern, and oversee, rather than referring to the state's power to possess personal property rights (Mawuntu 2012).

### 3. Methods

The literature research employed a qualitative methodology. The chosen methodology is to delve into a comprehensive comprehension of the state's role in the economy, as perceived by Baqir al-Shadr, and to grasp the notion of state control outlined in Article 33 of the 1945 Constitution (Baqir 1991; Baqir et al. 2021). By using a qualitative approach and taking into account the cultural background, historical context, and underlying beliefs, researchers can investigate the intricacy of these ideas (Collins and Stockton 2018).

The data search was undertaken meticulously, mostly utilizing secondary sources such as books, with a particular emphasis on the writings of Baqir al-Shadr, which served as the primary reference. Additionally, important reference books, scientific journals, research findings, and pertinent articles were consulted. The primary emphasis is on in-depth studies of Baqir al-Shadr's legal analysis of the third article of the Constitution of 1945 and economic theory (Baqir 1991).

The collected data is subsequently examined using normative methods. Normative analysis is performed to comprehend the theoretical and normative aspects of the notions, such as the fundamental concepts of Islamic economics highlighted by Baqir al-Shadr and the consequences of Article 33 of the Constitution of 1945 on state-controlled economic regulation. This strategy facilitates researchers in acquiring a profound comprehension and robust justification of the subject being investigated.

### 4. Result and Discussion

#### 4.1 The Concept of Economics in the View of Baqir al-Shadr

Baqir (1991) asserts that religion alone can guide mankind towards the correct path, given their inherent contradictions. Therefore, to meet their needs, humans venture into the realm of economics, where they find an inverse relationship between Islamic economics and the value-free secular economy. Conversely, Islamic economics integrates religious principles into the economy, as the economy is an integral aspect of the Islamic theological framework. Baqir al-Shadr holds his own perspective on the notion of production. From his perspective, not only do requirements, labor considerations, and costs determine manufacturing, but also the nature of the product itself. What is the purpose of production? How can it be produced? Baqir asserts that in Islamic economics, the Qur'an, Assunnah, and the consensus of experts intricately link production to the permissibility or prohibition of certain objects. The state has the power to decide how to produce and for what purposes to carry out the production process, given its role in establishing protection and welfare for the community. Furthermore, Shadr not only offers an explanation of Islamic economics but also highlights one of its key aspects, which is the concept of multi-type ownership. Baqir (1991) asserts that the Islamic economy incorporates the notion of multi-type ownership. We can classify ownership into two categories: private ownership, also referred to as privat, and common ownership, which encompasses public and state properties. Baqir Al-Shadr restricts private ownership to the entitlement to utilize, the priority in utilization, and the prohibition of others from using what one possesses. According to Şadr (2008), individual ownership is a temporary form of ownership, while Allah SWT is the sole holder of absolute ownership (Studies 2016). Joint ownership is a type of ownership that involves two or more individuals sharing ownership of something. There are two types of shared ownership for this kind of ownership, as previously mentioned: state ownership and public ownership. Different administrative procedures apply to state and public ownership. Şadr (2008) posits that the collective welfare necessitates the use of public ownership. Public ownership encompasses industries such as hospitals, schools, and transportation infrastructure. Nevertheless, if the state wishes, it can utilize state ownership to serve the interests of either the entire population or a certain segment of society.



**Baqir al-Shadr's Economic Thought and the Concept of State Economy in Article 33 of the 1945 Constitution***4.2 Economic Issues in the View of Baqir al-Shadr*

The Economic Problem, also referred to as The Fundamental Economic Problem, is a fundamental theory in economics that pertains to the execution of economic operations (Maity 2020). Based on the aforementioned definition of the economy, it becomes apparent that the fundamental issue in economics is the scarcity of resources in relation to the boundless human demands (the finite resources available are inadequate to meet all human wants) (Cordell 2010). Put simply, the question might be phrased as: "How can we fulfill infinite desires with finite resources?" This scenario leads to the occurrence of a phenomenon known as Scarcity. In order to resolve the issue, an assignment is made to the options that generate the greatest level of satisfaction (*utility*) for an individual.

When making decisions, humans are viewed as Homo Economicus, individuals who comprehend their objectives most effectively by following the concept of economic rationality (Coyle 2017). Economic theory is applied to address this issue. It is not possible to obtain inexpensive items for free because of their scarcity (Demsetz 1964). Thus, economics is a scientific discipline that focuses on the process of selecting choices (*Issues regarding decision-making*) (Simon 1966).

Furthermore, socialists argue that the underlying source of economic difficulties lies in the disparity between distribution and production. They propose that by eliminating this gap, economic stability can be attained. Society is characterized by class distinctions, specifically between the working class, known as the proletariat, and the bourgeoisie, who are the owners of capital and possess wealth. This social stratification will result in inequity, as the proletariat will experience escalating oppression due to their socioeconomic status, while the bourgeoisie will amass increasing dominance. Consequently, in order to centralize the system, the government must assume a central role in the economy. The new system would facilitate egalitarianism, permitting communal ownership instead of individual ownership.

Baqir (1991) ideology can be considered an outlier, diverging from both capitalist and socialist ideologies. From his viewpoint, economic issues do not stem from the aforementioned factors, but rather from the ability of individuals, acting as economic agents, to regulate their economic aspirations with the guidance of religion. Baqir claims that the Qur'an text, which affirms that Allah assures sustenance as mentioned in Q.S. Al-Baqarah verse 29, is in conflict with the idea that economic goods, or items utilized to meet human wants, are limited goods;

هُوَ الَّذِي خَلَقَ لَكُمْ مَا فِي الْأَرْضِ جَمِيعًا ثُمَّ اسْتَوَىٰ إِلَى السَّمَاءِ فَسَوَّاهُنَّ سَبْعَ سَمَاوَاتٍ ۗ وَهُوَ بِكُلِّ شَيْءٍ عَلِيمٌ

"Everything on earth was made for you by **Allah**, who also created the seven heavens after ascending to the skies. He possesses omniscience.

. بِقَدْرٍ .

"Indeed, We have created everything according to measure"

The aforementioned scriptures serve as the foundation of Baqir (1991) belief that economic products are commodities that Allah swt ensures will always be available, hence eliminating any possibility of shortage or extinction. Human behavior, particularly the tendency to overexploit, is responsible for the scarcity and utilization of economic products. The dikaibatkan economists adopted a value-free economy because the concept of meeting limitless needs has led people to exaggerate. Baqir al-Shadr, on the other hand, believes that satisfying human needs shouldn't be excessive (*ishraf*). In this case, the problem isn't the limited goods required to meet human needs (Baqir et al. 2021).

*4.3 The Role of the State in the Economy in the View of Baqir al-Shadr in Relation to the Concept of Control by the State in the Perspective of Article 33 of the 1945 Constitution*

In economics, the topic of government interference, or the state's participation in economic affairs, is vital. Assuring ideal market competition, fair information, and economic fairness are among the duties assigned to the state in Islam. From a historical perspective, the idea of a market mechanism dates back to the Prophet Muhammad's day. This is supported by the hadiths. Subsequently, Muslim intellectuals, like Abu Yusuf, Yahya bin Umar, Al-Ghazali, Ibn Taymiyah, and Ibn Khaldun, delved into more comprehensive analyses of the market process. Supply and demand are key determinants of prices in Islamic economics (Antonio and Ali 2021; Kroessin 2011).

The government has the authority to intervene when there is a distortion in the market. Economic progress should not be influenced by the state or the government in a capitalist system. Only the government can establish regulations pertaining to the tax obligations of entrepreneurs and other economic actors. The government will allocate taxes for the betterment of the state, specifically to fulfill its obligation to ensure the well-being of its citizens. In a socialist economy, the state owns and operates every firm. Due to the state's ability to equitably meet the wants of its citizens, there is no existence of a market and, hence, no presence of supply and demand. Islamic economics acknowledges individual autonomy, although it does not grant unrestricted autonomy to the market (Mustafa, Abdulsalam, and Yusuf 2016). A free market does not inherently guarantee a fair market economy. The implementation of free market procedures is incapable of preventing price speculation, curbing exploitation, or aiding small traders and customers. Hence, the state



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must participate. The Constitution, which represents the state's authority to rule its people, particularly in matters concerning the economy, varies from one country to another. In liberalist-capitalist countries, the constitutions that follow the English tradition of common law do not extensively regulate the economy and market phenomena. On the other hand, countries that follow the continental European tradition have a history of written laws that specifically address market regulation. Unlike the state's role in socialist and communist nations, the state in this instance expressly regulates through written regulations, as seen by some of the following provisions found in the People's Republic of China's 1982 Constitution: According to Article 9, the state has ownership over mineral resources, water, forests, mountains, grasslands, wilderness, beaches, and other natural resources.

However, the law jointly owns forests, mountains, grasslands, wilderness, beaches, and other natural resources, making some exceptions. The state generally owns these resources. The state safeguards endangered plant and animal species and oversees the prudent utilization of natural resources. The state prohibits organizations or individuals from extracting or harming natural resources. According to Article 10, urban land is owned by the state, whereas rural land is jointly owned by the community, with certain areas owned by the state as mandated by law. It is prohibited for any business or individual to engage in the activities of acquiring, purchasing, selling, or leasing land, or unlawfully transferring land to another party. According to Baqir al-Shadr, the purpose of the state is to enforce Islamic regulations, including the Islamic economic doctrine. The principle of ownership, specifically the principle of multiple ownership, closely aligns with the state's role in the economic field. The government has three primary roles in the economic domain: firstly, ensuring social security for the people; secondly, attaining social equilibrium; and thirdly, strategizing economic interventions. The significance of Shadr's ideas regarding the government's involvement in the economy becomes evident when it is linked to the state's authority to regulate, as expressed in Article 33 of the 1945 Constitution, which emphasizes the state's control and the pursuit of the people's utmost prosperity.

**5. Conclusion**

From Baqir al-Shadr's perspective, economics is not merely a scientific discipline but rather an expression of the principles derived from Islam, rooted in the ideals of faith and obedience. The major foundation of this ideology is based on fundamental concepts such as social justice and acknowledgment of many forms of property ownership. Economic issues stem not only from the limited availability of natural resources, but also from exploitative human conduct that deviates from God's divine order. Hence, government action is necessary for the regulation and resolution of economic issues, particularly to safeguard the well-being of the populace and establish the appropriate social equilibrium. These findings demonstrate the consensus between the ideas of Baqir al-Shadr, Islamic economic theories, and the spirit of the third article of the 1945 Constitution, which calls on the state to regulate the economy for the benefit of the populace. Therefore, a thorough comprehension of Baqir al-Shadr's ideas can offer a solid basis for developing economic policies that support the needs of the populace and foster prosperity for the community as a whole.

**Table and Image Research**

- Qualitative Research Riview

**Conflicts of interest**

The authors declare that no conflicts of interest have arisen in the preparation of this article. No one has any financial, personal, or institutional interests that could influence the results or interpretation of the content presented. The purpose of this article is to convey information objectively and accurately in accordance with the research and analysis that has been carried out

**Ethics**

This study adheres to the principles of research ethics, including proper acknowledgment of sources, avoidance of plagiarism, and maintaining data confidentiality. The authors did not engage in ethical violations such as fraud or data manipulation. All steps were conducted with integrity and followed the applicable academic code of conduct.

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