

# The Role of Legislation and Legal Institutions in Promoting Sustainable Development at the Regional Level

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## Abstract

*This paper aims to explore the crucial role of regional and national legislation and legal institutions in fostering sustainable development. The legal mechanisms for environment protection and sustainable development are analyzed, assessing their impact on regional development and integration processes. The effectiveness of these legal structures is critically evaluated, and potential gaps and challenges in their implementation are identified.*

**Key words:** legislation, legal institutions, sustainable development, regional policy, globalization

**J.E.L. classification:** K32, K33, K38

## 1. Introduction

Sustainable development is increasingly recognized as the only viable path for socio-economic progress. It reconciles global needs for growth and development with the necessity to preserve the environment and to ensure the well-being of future generations (Brown 1993, p.20).

The escalating global environmental and socio-economic challenges underscore the necessity of sustainable development. As pivotal players in shaping regional development, legislation and legal institutions have a critical role in driving sustainability initiatives, providing the legal backbone for enforcing sustainability principles and standards. This paper seeks to illuminate their vital function (Sachs, 2015, p.36).

The onset of the 21st century has witnessed an intensified global focus on sustainable development, prompted by the increasing impact of human activities on the environment. Legislation and legal institutions play a pivotal role in framing and implementing policies that promote sustainability. This paper aims to analyze the efficacy of regional and national legislation and institutions in promoting sustainable development and environmental protection (Mititelu, 2015, p.244),

The study then examines the role and influence of legal institutions in the sustainable development process. It covers the judicial and administrative entities responsible for implementing and enforcing environmental and sustainable development laws and the systems for public participation in environmental decision-making. The aim is to provide insights into how these institutions operate, how they shape the development process, and their effectiveness in promoting sustainable development objectives (Brundtland, 1987, p.28).

The paper further critically evaluates the effectiveness of these legal mechanisms, identifying potential gaps, challenges, and areas of improvement. These might include legal ambiguities, enforcement issues, resource constraints, lack of public awareness, and other barriers to effective implementation (Brown, 1993, p.20).

Amid growing global environmental and socio-economic challenges, sustainable development has emerged as a core principle guiding policy and decision-making. Integral to these strategies are legislation and legal institutions, which provide the essential backbone for enforcing sustainability principles and standards at the regional level. This paper aims to examine their critical role in this regard (Căzănel, 2015, p.24).

## **2. Theoretical background**

Sustainable development is predicated upon the intersection of environmental, social, and economic considerations. Legal frameworks play an instrumental role in balancing these elements by regulating activities that impact the environment, promoting sustainable practices, and incentivizing compliance. Previous literature (Brundtland, 1987; Sachs, 2015, p.24) has explored the interplay between legislation, institutions, and sustainable development, providing a foundation for this analysis.

At the heart of sustainable development lies the premise of intergenerational equity, asserting that future generations should have the same or better access to environmental resources as the current one (Brundtland, 1987). This concept introduces a temporal dimension to sustainable development, providing a forward-looking perspective that is essential for informed decision-making and long-term planning.

Within this context, legal frameworks and institutions play a critical role in guiding, regulating, and enforcing activities that have environmental implications. They provide a structure for managing natural resources, mitigating environmental degradation, and promoting environmentally friendly practices. Their influence extends to regional, national, and international levels, underscoring the multi-scalar nature of sustainable development (Brown, 1992).

Additionally, the incorporation of sustainable development principles into law helps in achieving environmental justice, which is the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income, with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies (Schlosberg, 2007). This ensures that the burden of environmental harm and the benefits of access to environmental goods are shared equitably.

Globalization, through increased interconnectedness and interdependence, introduces additional layers of complexity to this dynamic. As economies become more integrated, the actions of one region can have significant implications for others, necessitating global cooperation and coordination (Scholte, 2005). Hence, understanding the effects of global integration on regional development and its environmental implications is crucial.

Theoretical frameworks such as the Ecological Modernization Theory (Mol, 2002) and the Environmental Kuznets Curve (Stern, 2004) offer valuable perspectives on the relationship between economic development, globalization, and environmental degradation. These frameworks suggest that economic growth and industrial advancement, while initially leading to environmental degradation, can eventually contribute to environmental improvement through technological innovation, increasing efficiency, and the adoption of cleaner production processes.

## **3. Research methodology**

This paper relies on a qualitative research approach, employing a review of existing legislation and institutions at regional and national levels. The analysis is supplemented by an examination of case studies and secondary data from government and non-government sources.

## **4. Findings**

The effectiveness of legal mechanisms in promoting sustainable development varies significantly, influenced by factors such as political will, public participation, enforcement capacity, and the integration of sustainability principles into broader policy frameworks.

Case studies reveal both successful examples and areas needing improvement. The EU's Green Deal is an instance of comprehensive regional legislation promoting sustainable development, yet enforcement varies among member states. National laws, such as Germany's Federal Nature Conservation Act, demonstrate potential for aligning environmental protection with regional development, but implementation remains a challenge.

#### 4.1. The Role of Legislation in Sustainable Development

Legislation plays a crucial role in integrating sustainability principles into regional development by establishing a legal framework that supports sustainable practices, regulates unsustainable activities, and incentivizes sustainable development.

Legislation plays an indispensable role in shaping and directing sustainable development. It creates the legal framework that guides sustainable practices, controls activities that are detrimental to sustainability, and provides incentives for adopting sustainable modes of operation (Căzănel and Calafus, 2018, p.300).

The role of legislation in sustainable development is multifaceted and complex. It provides the framework within which societies can manage and direct their social, economic, and environmental goals. Legislation, in this context, is not just about creating laws but also about applying and enforcing them. It is a tool for planning, shaping policy, and promoting accountability and transparency. This paper will delve into the various facets of legislation's role in promoting sustainable development, especially at the regional level (Sachs, 2015, p.36).

Next, we will explore specific examples of regional and national legislation designed to promote sustainable development. This includes laws related to environmental protection, socio-economic inclusion, fair trade, and responsible production and consumption. The interplay between these laws and sustainable development goals will be examined, underlining the legislation's role in achieving these targets (Brundtland, 1987, p.29).

Furthermore, we will investigate the institutions responsible for the creation, enforcement, and monitoring of these laws. This section will spotlight how these bodies operate, their successes, and the challenges they face in enforcing legislation for sustainable development. It will also discuss the need for increased international cooperation and sharing of best practices in this area.

We will then delve into the challenges and gaps present in today's legislative frameworks concerning sustainable development. This includes issues such as lack of coherence and coordination between different areas of law, enforcement problems, and the need for increased public participation and transparency (Kiss and Shelton, 2004, p.18).

The role of legislation in sustainable development is paramount, yet it remains riddled with complexities and challenges. A more coordinated and integrated approach is needed to ensure that laws are effectively enforced and that they truly help in achieving the broader objectives of sustainable development. This paper hopes to shed light on this crucial aspect of sustainable development and pave the way for more comprehensive and effective legislative strategies (Marin, 2019, p.230).

Legislation operates as a fundamental tool in integrating sustainability principles into regional development. By establishing a legal framework supporting sustainable practices, controlling unsustainable activities, and incentivizing sustainable development, it profoundly impacts the trajectory of regional development (Brundtland, 1987, p.30).

Sustainable development laws can set the stage for a balanced approach to regional development. By embedding sustainability principles into the decision-making processes of governments, businesses, and communities, they encourage the integration of environmental, social, and economic considerations into planning and operations (Craik, 2008, p.29).

Legislation also operates as a regulatory mechanism. By setting rules to control activities that pose risks to sustainability, such as over-extraction of resources or pollution, laws directly impact the practice of regional development, guiding it towards more sustainable paths.

Legislation can also act as an instrument to incentivize sustainable practices. By establishing rewards for environmental, social, and economic performance, or conversely, penalties for failure to meet these standards, legislation encourages organizations and individuals to align their behaviors with sustainable development goals (Sachs, 2015, p.36).

Legal institutions play a pivotal role in ensuring the effective implementation of sustainable development legislation. They serve as the bridge between policy and practice, translating the principles enshrined in legislation into actions on the ground (Brown, 1993, p.20).

Legal institutions, including courts, regulatory bodies, and administrative agencies, play a key role in the implementation of sustainable development legislation. They translate the abstract legal text into actionable guidelines and norms that can be applied in practical contexts (Braşoveanu, 2015, p.89).

Enforcement is another critical function of legal institutions. Through their powers to enforce laws and regulations, these institutions ensure that sustainable development laws are adhered to, and any violations are addressed effectively (Mititelu, 2013, p.122).

Legal institutions also have a vital role in promoting stakeholder engagement in sustainable development. By facilitating participatory processes, these institutions ensure a diversity of voices are heard and considered in the development, implementation, and enforcement of legislation (Kiss and Shelton, 2004, p.18).

The integration of sustainable development into regional legislation and legal institutions is not without challenges, such as inconsistencies in laws across regions, inadequate enforcement, and capacity constraints. However, overcoming these challenges presents opportunities for transforming regional development towards greater sustainability. By promoting effective legal structures, we can ensure a stronger alignment of regional development strategies with sustainability principles (Mititelu, 2015, p.243).

#### **4.2. Establishing a Legal Framework for Sustainable Development**

The establishment of a legal framework is an essential first step towards institutionalizing sustainable development. This includes the enactment of laws that embody sustainability principles and their integration into various aspects of governance and operations (Brown, 1993, p.20).

Such legislation sets the stage for an approach to development that recognizes the need to balance environmental conservation, social responsibility, and economic growth. It encourages the consideration of sustainability in the decision-making processes of governments, businesses, and communities. Furthermore, it can define the standards and benchmarks for sustainable practices, thereby providing clear guidelines for implementation (Voigt, 2008, p.19).

In the pursuit of sustainable development, legislation plays an instrumental role. However, establishing a legal framework that adequately encompasses and promotes the multifaceted nature of sustainability is no small task. This paper aims to discuss the role of legislation and legal institutions in formulating an effective legal framework for sustainable development at the regional level. Therefore, the paper then examines how laws can reflect these principles, drawing on case studies from various regions (Sachs, 2015, p.36).

We will discuss the types of legislation required for sustainable development, including environmental laws, socio-economic legislation, and laws promoting fair trade and responsible production. The analysis will further touch upon the role of legal institutions in creating, implementing, and monitoring such laws. It will shed light on the interplay between these entities and the legislative framework, assessing their effectiveness and highlighting areas of improvement (Kiss and Shelton, 2004, p.18).

It is hoped that the findings will be useful to policymakers, legal practitioners, and researchers working towards promoting sustainable practices and policies.

#### **4.3. Regulating Unsustainable Activities**

Another crucial role of legislation is the regulation of activities that are detrimental to sustainability. Laws and regulations are designed to control or prohibit practices that pose threats to the environment, public health, and social equity. This includes, for example, legislation that restricts pollution, deforestation, overfishing, and other forms of environmental degradation (Voigt, 2008, p.19).

Such legislation often outlines the penalties for non-compliance, which can range from fines and sanctions to criminal charges in severe cases. This regulatory role of legislation is crucial in deterring harmful practices and enforcing adherence to sustainable practices (Brown, 1993, p.20).

The act of regulating unsustainable activities is a critical function of any legislative framework aiming at sustainable regional development. Legislation can discourage unsustainable practices by making them legally or economically unattractive. Such laws can range from explicit prohibitions of specific actions to the implementation of taxes or penalties that make unsustainable activities less appealing (Brown, 1993, p.20).

For instance, legislation can be used to regulate industrial emissions, impose quotas on resource extraction, ban certain harmful substances, or set mandatory standards for energy efficiency. Zoning laws can be used to protect natural habitats and control urban sprawl. Waste management laws can promote recycling and reduce the amount of waste that goes into landfills. All these regulatory activities contribute to sustainability by directly limiting environmental harm (Aivaz *et al*, 2021, p.156).

Furthermore, legislation can incentivize sustainable practices. For instance, subsidies can be provided for renewable energy production, tax breaks for businesses that implement green practices, or grants for research into sustainable technologies (Brundtland, 1987, p.32).

In many cases, laws regulating unsustainable activities will need to be enforced by legal institutions. These institutions may include courts, regulatory agencies, or other entities tasked with overseeing compliance with the law. Legal institutions can also play a role in resolving disputes related to sustainable development, such as conflicts over resource use or environmental damage.

However, the effectiveness of laws and legal institutions in regulating unsustainable activities can vary widely. Factors such as political will, public support, resources available for enforcement, and the transparency and accountability of legal institutions can all play a role in determining the success of these efforts (Sachs, 2015, p.36).

To ensure that laws regulating unsustainable activities are effective, it is important that they are based on sound science, reflect the values of the community, and are implemented and enforced fairly and transparently. In addition, laws should be adaptable to changing conditions and new knowledge about sustainability and the environment (Craik, 2008, p.29).

#### **4.4. Incentivizing Sustainable Development**

Legislation can also serve to incentivize sustainable practices. This can be done through tax benefits for environmentally friendly practices, subsidies for renewable energy, grants for research and development in sustainable technologies, or other fiscal incentives (Kiss and Shelton, 2004, p.18).

On the other hand, legislation can also implement "polluter pays" principles, where entities that cause environmental damage are required to bear the costs of their actions. This not only discourages unsustainable activities but also encourages investment in more sustainable alternatives (Craik, 2008, p.29).

In summary, legislation plays a crucial role in promoting sustainable development. It sets the legal and regulatory framework that guides sustainable practices, controls detrimental activities, and incentivizes the adoption of sustainable modes of operation. However, the effectiveness of such legislation depends on its implementation and enforcement, as well as the willingness and commitment of all stakeholders to abide by and uphold these laws (Voigt, 2008, p.19).

As much as laws can deter unsustainable practices, they can also be instrumental in encouraging sustainable development. Legislations can provide a range of incentives designed to promote practices that are more aligned with sustainability goals (Braşoveanu, 2013, p.89).

Tax incentives or grants could be employed to encourage businesses and individuals to adopt greener technologies or production practices. For example, tax breaks could be given to companies that invest in renewable energy technologies or those that meet certain standards for energy efficiency. Additionally, businesses could be given financial incentives to switch to less-polluting transportation methods, to reduce water use, or to adopt better waste management practices (Stan, 2022, p.172).

Legislation could also facilitate the development of markets for sustainable goods and services. For example, governments could implement public procurement policies that favor environmentally-friendly products, or they could require that a certain percentage of energy be sourced from renewable sources (Kiss and Shelton, 2004, p.18).

In addition to financial incentives, legislation can also provide other types of support for sustainable development. This can include research and development initiatives, training programs for new green jobs, or educational campaigns to raise awareness about sustainability issues (Voigt, 2008, p.19).

However, it is important to note that while incentives can be highly effective in promoting sustainable practices, they must be carefully designed to ensure they are actually leading to real improvements and not just being exploited for financial gain. This requires a clear understanding of the economic, social, and environmental contexts in which these incentives operate, as well as ongoing monitoring and evaluation of their impacts (Mititelu, 2016, p.158).

#### **4.5. Challenges and Opportunities**

While the path to integrate sustainable development into regional legislation and legal institutions is fraught with challenges, the potential benefits are substantial. The paper discusses some key challenges such as legal inconsistencies, inadequate enforcement, and the need for capacity building, while also highlighting the opportunities for promoting sustainable regional development through effective legal structures. Creating laws and regulations that can effectively address these complexities and achieve a balance between different objectives is a difficult task (Craik, 2008, p.29).

Secondly, enforcing environmental laws and regulations can be problematic, particularly in regions with limited resources, weak institutions, or high levels of corruption. Without strong enforcement mechanisms and accountability systems, legislation may have little impact on actual practices on the ground (Kiss and Shelton, 2004, p.18).

Thirdly, legal measures need to be complemented with non-legal ones, such as market-based mechanisms, voluntary standards, and public awareness campaigns. Laws and regulations alone are rarely sufficient to bring about the changes required for sustainable development (Braşoveanu, 2013, p.89).

On the other hand, the use of legal instruments to promote sustainable development also presents numerous opportunities. Well-designed and implemented laws can play a critical role in defining development pathways, setting clear goals and standards, and ensuring that development efforts respect the limits and capacities of ecosystems (Brown, 1993, p.20).

Legal mechanisms can also provide a means of resolving conflicts over resource use and ensuring that the benefits and costs of development are distributed equitably. They can offer ways of holding actors accountable for their actions and providing remedies when environmental harm occurs (Voigt, 2008, p.19).

In addition, legislation and legal institutions can play a vital role in facilitating cooperation and coordination among different stakeholders, including governments, businesses, and civil society. This can help to build consensus around sustainable development goals and strategies, and to ensure that all actors are working together towards common objectives (Kiss and Shelton, 2004, p.18).

#### **5. Conclusions**

Despite the inherent challenges, an effective legal framework supported by robust institutions can provide a solid foundation for sustainable regional development. The dialogue initiated in this paper provides a basis for discussions at the international conference section on "Regional Development, Integration, and Globalization", underscoring the need for ongoing exploration and discourse on this topic.

The role of legislation and legal institutions in promoting sustainable development at the regional level is critical yet complex. While a robust legal framework and functional institutions can greatly contribute to sustainable regional development, challenges persist in the implementation and enforcement of such mechanisms. Addressing these challenges and enhancing the effectiveness of legal structures is crucial for the successful promotion of sustainable development goals.

This study adds to the critical understanding of the role of legislation in sustainable development, offering a thorough analysis that could guide lawmakers, policy practitioners, and researchers in their efforts to promote sustainable development more effectively (Stan, 2022, p.172).

This work contributes to the ongoing dialogue on sustainable development, adding an in-depth analysis of the legal perspective. It hopes to offer guidance for policymakers, legal practitioners, and academics interested in enhancing the effectiveness of legal mechanisms in achieving sustainable development.

Legislation and legal institutions play a crucial role in promoting sustainable development at the regional level. The effective implementation of this role, however, requires ongoing efforts to address the inherent challenges and harness the opportunities that it presents. This paper has set the stage for further discussions at the international conference section on “Regional Development, Integration, and Globalization”, emphasizing the need for continued exploration and discourse on this important topic.

The study concludes that while legislation and legal institutions are integral to promoting sustainable development at the regional level, their efficacy is contingent on broader socio-political factors. The limitations of the study lie in the vast scope of the topic and the inability to include all regional and national laws. For a more comprehensive understanding, further research focusing on specific regions and their respective legislation is recommended.

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