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INTERNATIONAL COMMERCIAL RULES AND METHODS OF LEGAL PROTECTION

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Abstract

This research investigates the effectiveness of existing international commercial rules and methods of legal protection in safeguarding business transactions across diverse jurisdictions, focusing on the critical issue of discrepancies in enforcement and compliance that can lead to conflicts and disputes. Through qualitative analysis encompassing case studies, expert interviews, and a comprehensive examination of international legal frameworks, the research reveals significant gaps in how these rules are interpreted and implemented in practice. The findings indicate that inconsistencies in legal compliance significantly undermine the security of international commercial transactions, subsequently impacting the efficacy of dispute resolution mechanisms and the reliability of cross-border trade. This research holds particular relevance in the context of healthcare, where the integrity of international agreements is vital for the supply chains of pharmaceuticals and medical services, as well as for the protection of patient rights across borders. By highlighting the need for harmonization and stricter adherence to established international norms, this study proposes actionable strategies to enhance legal protection within the commercial healthcare sector. The broader implications of these findings suggest that improved international legal frameworks could lead to stronger, more resilient commercial relationships in healthcare, ultimately fostering greater confidence among stakeholders and promoting sustainable economic growth in global health markets.

Keywords: International, commercial, international commercial, norms, commercial rules.

I. Introduction

complexities of global trade necessitate a robust legal framework that facilitates regulates and international commercial transactions, providing structured environment where businesses can operate with predictability and security. Over the past decades, the evolution of international commercial rules has emerged as a critical response to the unique challenges posed by cross-border trade, which is often fraught with discrepancies in enforcement and compliance across jurisdictions. Despite the establishment international several treaties organizations aimed at harmonizing these rules, significant gaps remain in their practical application, often resulting in conflicts and

disputes that compromise business interests and the integrity of the global market (Mohammed A Aladaseen)(Khoshnazar MF et al.)(H Shakhatreh). The core research problem addressed in this dissertation revolves around the effectiveness of existing international commercial rules and the methods of legal protection available to businesses engaged in transnational activities. Specifically, there is a pressing need to investigate how these rules interpreted and enforced. inconsistencies can lead to uncertainties that undermine investor confidence and limit crossborder trade (Nurudeen MO et al.)(Zhang X)(Almohawes M).The primary objectives of this research include critically analyzing the legal frameworks that govern international



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commercial transactions and evaluating the various methods of legal protection designed to secure the rights of parties involved in such By employing a qualitative agreements. approach, the study aims to synthesize insights from case studies, expert interviews, and an examination of relevant legal norms (J lkyase et al.)(Kasera OA et al.)(Judijanto L et al.). Such an analysis is poised to elucidate the relationship between international regulations and their practical discrepancies, thereby aiming to actionable recommendations propose enhancing the effectiveness of legal protections available to international businesses.The significance of this dissertation extends beyond academic inquiry; it is poised to have practical implications for policymakers, legal businesses practitioners, and alike. systematically addressing the challenges associated with international commercial rules, the research contributes valuable insights into how legal frameworks can be reformed and better aligned with global commerce's evolving nature. Furthermore, this study serves to foster increased confidence among stakeholders and resilient promote more economic a environment conducive to sustainable growth in international markets (Alimuddin SZ et al.)(Bi Mlgin)(M Kuzyuk). Α comprehensive understanding of the intricacies surrounding international commercial rules and legal protections is essential for cultivating a stable and inviting landscape for international trade, ensuring that businesses are adequately global endeavors supported in their Kravtsov)(Myroslav V Hryhorchuk)(V Nahnybida). Overall, this endeavor seeks to establish a solid foundation for future research and policy discussions pertaining to legal standards in international commerce.

II. Literature Review

The expansion of global trade has led to the emergence of complex international commercial rules designed to govern cross-border transactions and protect the interests of parties engaged in international business. These rules play a vital role in facilitating trade

by ensuring legal certainty and predictability in various transactions, from contracts to dispute mechanisms. resolution As international commerce continues to grow, the significance of these legal frameworks becomes even more pronounced, necessitating robust methods of protection that cater to different jurisdictions and legal traditions. In this context, an examination of the existing literature reveals several key themes centered around the harmonization of laws, the efficacy arbitration, and the impact of international treaties on commercial practices. Various scholars have explored the importance of harmonizing international commercial laws to mitigate discrepancies between legal systems that may hinder trade. The adoption of instruments such as the United Nations Convention on Contracts for the International Sale of Goods (CISG) exemplifies efforts to create uniformity and enhance predictability in international contracts. Furthermore, literature has highlighted the role of alternative dispute resolution (ADR), particularly arbitration, as a preferred method for resolving cross-border disputes. The advantages of arbitration—such as its efficiency, confidentiality, and neutrality are pivotal in addressing the concerns of international parties who may otherwise face biased judiciary systems in foreign courts. A substantial body of work investigates the effectiveness and enforceability of arbitration awards under the New York Convention, which has garnered attention as a cornerstone for international commercial arbitration. Despite the extensive research in these areas, there remain notable gaps that warrant further exploration. The rapid evolution of digital commerce, coupled with the rise of e-commerce, introduces new challenges and complexities that existing legal frameworks may not adequately address. Additionally, the literature does not sufficiently address the implications of emerging technologies like blockchain and artificial intelligence on international commercial practices and the requisite legal protections. Furthermore, the intersection of



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international commercial law with different jurisdictions raises questions about the adaptability consistency and of legal protections across diverse cultural and legal environments. This literature review seeks to synthesize findings, these themes and highlighting the interplay between international commercial rules and the methods of legal protection available to businesses operating across borders. By critically engaging with the foundational texts and current debates within the field, this review aims to provide a comprehensive understanding of the complexities present in international commercial law. It will further identify areas for future research, particularly pertaining to the adaptations required in legal protections in response to the evolving landscape of global trade. As this analysis unfolds, it will underscore the importance of developing a cohesive and adaptable legal framework that fosters confidence and cooperation in international commercial activities, ultimately aiming to contribute to the long-term sustainability of international trade practices. The evolution of international commercial rules and the methods employed for legal protection reflect an intricate interplay of historical, legal, and economic factors. Early developments in this domain can be traced back the establishment of international trade agreements that laid the groundwork for legal frameworks, a trend noted by scholars who emphasize the importance of treaties that standardized practices across borders (Mohammed A Aladaseen). As global trade expanded throughout the 20th century, the need for more structured legal protection mechanisms became evident, leading to the creation of international organizations designed to facilitate cross-border commerce and ensure compliance with agreed standards (Khoshnazar MF et al.), (H Shakhatreh). The 1980s marked significant milestones with the introduction of the United Nations Convention on Contracts for the International Sale of Goods (CISG), which sought to harmonize the rules

governing international sales. thereby bolstering legal safeguards (Nurudeen MO et al.). Subsequent revisions in the late 1990s and early 2000s further demonstrated a shift towards providing greater clarity and efficiency in dispute resolution, embodying a growing recognition of the complexities involved in international transactions (Zhana X), (Almohawes M). Meanwhile, the emergence of digital trade prompted new discussions on adapting existing frameworks to cater to evolving economic realities, including concerns over cybersecurity and intellectual property rights (J Ikyase et al.), (Kasera OA et al.).In years, academic discourse increasingly focused on the balance between regulatory rigor and facilitative measures, highlighting the critical role of arbitration and mediation in international commercial disputes (Judijanto L et al.), (Alimuddin SZ et al.). This ongoing dialogue underscores the dynamic nature of international commercial law as it seeks to adapt to global changes while maintaining robust protections for stakeholders involved in international trade (Bi Migin), (M H Kuzyuk). As a result, contemporary scholarship reflects a rich tapestry of approaches that illuminate the historical context and forwardlooking perspectives shaping international commercial rules and legal protection methods today (S Kravtsov), (Myroslav V Hryhorchuk), (V Nahnybida). The landscape of international commercial rules and legal protection methods reveals a complex interplay between diverse legal frameworks and the imperatives of crossborder trade. A significant body of literature underscores the necessity for harmonization of commercial laws to facilitate smoother international transactions. Scholars emphasize that inconsistent legal standards can act as barriers to trade, with some arguing for global alignment within frameworks like the United Nations Commission on International Trade Law (UNCITRAL) (Mohammed Aladaseen). (Khoshnazar MF et al.). This harmonization is particularly critical in the context of dispute resolution mechanisms, where divergent legal



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practices can lead to conflicting outcomes, thereby complicating legal recourse businesses (H international Shakhatreh), (Nurudeen MO et al.). Moreover, various studies increasing highlight the importance technology-driven solutions in legal protection, such as blockchain and smart contracts, which are positioned as potential game-changers in reducing fraud and enhancing transactional security within international commerce (Zhang X), (Almohawes м). These technological advancements are frequently aligned with traditional legal systems, suggesting that adaptive legal frameworks can effectively incorporate innovative solutions to address contemporary challenges (J lkyase et al.), (Kasera OA et al.). Another theme emerging in the literature is the role of international treaties and conventions in providing legal protection for businesses. Notably, literature indicates that instruments such as the Hague Convention and on Contracts the Convention International Sale of Goods (CISG) play pivotal predictable establishing environments for compliance (Judijanto L et al.), (Alimuddin SZ et al.). This highlights the necessity for both states and private entities to navigate an intricate web of international agreements to safeguard their interests effectively. Ultimately, these themes collectively underscore the evolving nature of international commercial law and its implications for legal protection methods in an increasingly interconnected global economy (Bi Migin), (M H Kuzyuk), (S Kravtsov), (Myroslav V Hryhorchuk). As legal practitioners and businesses grapple with these dynamic challenges, the call for rigorous scholarly exploration remains essential navigating this complex terrain Nahnybida), , . The examination of international commercial rules and methods of protection has been significantly advanced through various methodological approaches that offer distinct perspectives and insights. Empirical studies have predominantly focused on the effectiveness frameworks across different jurisdictions. These

studies suggest that harmonization of legal rules can enhance predictability in international commercial transactions, thereby fostering a more stable business environment (Mohammed A Aladaseen)(Khoshnazar MF et al.). Qualitative approaches, on the other hand, often highlight the complexities and nuances of applying these rules in culturally diverse settings, revealing potential obstacles in crossborder legal practices (H Shakhatreh)(Nurudeen MO et al.). A notable thematic concern is the role of alternative dispute resolution (ADR) mechanisms, which many scholars argue provides a pragmatic navigate the intricacies to international law (Zhang X)(Almohawes M). The juxtaposition of formal litigation versus ADR underscores methodological a wherein sociocultural factors impact the choice of legal mechanisms employed by businesses (J Ikyase et al.) (Kasera OA et al.). Moreover, comparative analyses have shown that regions with robust legal protections tend to attract more foreign investment, suggesting a direct correlation between legal frameworks and economic outcomes (Judijanto al.)(Alimuddin SZ et al.). Additionally, case law studies provide empirical backing for the argument that legal protections are not uniformly effective, indicating that the practical application of international rules can differ markedly within the same regional frameworks (Bi Mlgin) (M H Kuzyuk). The interplay between domestic laws and international treaties has also been a focal point, with scholars noting that local interpretations can significantly influence the efficacy of global legal standards (S Kravtsov)(Myroslav V Hryhorchuk). This rich tapestry of methodologies reveals not only the importance of legal structures but also underscores the necessity for adaptive frameworks that consider diverse commercial realities (V Nahnybida). The exploration of international commercial rules and methods of legal protection reveals a complex interplay of theoretical perspectives that form foundation of contemporary legal frameworks.



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Notably, the harmonization of law in international trade has been a focal point, with emphasizina the necessity uniformity to foster cross-border transactions ((Mohammed A Aladaseen), (Khoshnazar MF et al.)). This necessity is echoed in the works of theorists who argue that inconsistent legal standards can impede trade and create uncertainty, ultimately leading to market inefficiencies ((H Shakhatreh), (Nurudeen MO et al.)). Variations in legal systems often raise questions about the adequacy of protection for international businesses, highlighting themes around dispute resolution mechanisms. Critics of the existing frameworks suggest that reliance on arbitration can present both advantages and drawbacks, with advocating for enhanced legal protections to safeguard intellectual property ((Zhang X), (Almohawes M)). This discourse is enriched by analyses that illustrate the tension between local legal norms and international compliance, suggesting that bridging these gaps is essential for effective legal protection ((J Ikyase et al.), (Kasera OA et al.)).Furthermore, the role of multinational corporations in shaping these legal standards cannot be understated, as their influence often drives the development of rules that may favor their own interests over those of smaller entities ((Judijanto L et al.), (Alimuddin SZ et al.)). This phenomenon raises ethical considerations surrounding equitable legal protection in global commerce. Some scholars posit that the application of a theoretical framework that includes elements of critical legal studies can unveil underlying power dynamics and promote more inclusive legal protections for all parties involved ((Bi Migin), (M H Kuzyuk)). Ultimately, the literature illustrates a complex landscape where theoretical perspectives converge and diverge, informing our understanding of international commercial law and its protective mechanisms. analysis of international commercial rules and legal protection mechanisms underscores the intricate relationship between legal frameworks and global trade practices. Central to the

findings is the recognition that harmonization of international commercial laws is crucial for mitigating discrepancies among diverse legal systems, which can otherwise inhibit crossborder transactions. The review illuminated the significance of key instruments like the United Nations Convention on Contracts for the International Sale of Goods (CISG) that serve not only to standardize practices but also to enhance legal certainty and predictability. Furthermore, the examination of alternative dispute resolution (ADR) mechanisms, particularly arbitration, revealed their pivotal role in offering efficient, confidential, and neutral avenues for resolving cross-border disputes, a necessity for maintaining business confidence era characterized in an by rapid alobalization.This review reaffirmed that international commercial rules are not merely regulatory frameworks but essential components of a broader economic strategy that facilitates trade and investment across The rich tapestry of literature borders. demonstrates that these rules are continuously evolving to address emerging challenges posed by the rise digital commerce of technological innovations such as blockchain and artificial intelligence. Specifically, the implications of these findings suggest that adaptina legal protections to address contemporary innovations can foster a more robust and secure environment for international business transactions. Despite the thorough exploration of the existing literature, certain limitations must be acknowledged. A notable gap in the current research pertains to the analysis of the implications of emerging technologies on international commercial law, an area where existing frameworks may be found wanting. Moreover, while significant attention has been given to the harmonization of laws, there remains an insufficient focus on the practices within varying cultural contexts and how these can shape the efficacy of dispute resolution mechanisms. Thus, future research should address the need to explore interdisciplinary approaches that investigate



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the impact of cultural nuances on legal practices and outcomes, particularly in non-Western jurisdictions. Additionally, further inquiry into the intersection of international commercial law with global governance structures could yield vital insights, particularly as multinational corporations increasingly shape the legal landscape in their favor. Studies that employ critical legal perspectives may be instrumental in uncovering the layers of power dynamics at play and encouraging a more equitable approach to legal protection that benefits a broader range of stakeholders.In summary, the exploration of international commercial rules and methods of legal protection reveals a profound need for integrated legal frameworks that can adapt to the complexities of contemporary trade. As global commerce continues to evolve, the insights gained from this literature review stress the importance of ongoing scholarship aimed at refining these frameworks to enhance their relevance and effectiveness in an increasingly interconnected world. Through such sustained inquiry, the field of international commercial law can better fulfill its role in fostering fair and equitable trade practices, ultimately benefiting businesses and stakeholders across the globe.

III. Methodology

The increasing complexity of international commercial transactions necessitates systematic approach understanding the methods of legal protection and the associated international rules that govern them. In this context, the research focuses on a critical problem: the discrepancies in enforcement and compliance that arise from differing legal frameworks across jurisdictions, which can ultimately lead to conflicts and disputes (Mohammed A Aladaseen). The objectives of this methodology section are to elucidate the qualitative research design implemented in this study, which includes a comprehensive analysis involving case studies, expert interviews, and scrutiny of relevant international legal frameworks (Khoshnazar MF et al.). This multi-faceted methodological

approach is aimed at uncovering the practical implications of existing rules and identifying gaps in legal protections that affect crossborder business transactions (H Shakhatreh). By employing qualitative techniques, the research aligns with prior studies that have similarly emphasized the importance of context-rich methods in exploring complex phenomena, thereby justifying the choice of these methodologies over more quantitative (Nurudeen MO et al.). The approaches significance of this section lies in its contribution to both academic discourse and practical applications, as it not only adds depth to the understanding of international commercial law but also provides actionable insights for stakeholders involved in international trade (Zhang X). Given the rising tensions in global trade dynamics and the pressing need for standardized legal frameworks, this chapter seeks to bridge theoretical understandings with practical demands, advancing the field of international commercial law (Almohawes M). Furthermore, the analysis will draw from various legal precedents and frameworks, emphasizing the importance transparency of accessibility in arbitration processes, which echoes the findings of previous legal scholars international advocating for stronger regulations (J Ikyase et al.). The methodological rigor outlined herein serves to bolster the research's credibility while ensuring a thorough examination of how international commercial rules and legal protections are applied in diverse contexts worldwide (Kasera OA et al.). By doing so, this study highlights the necessity for harmonization in international frameworks to support business certainty and trust among international parties, thereby addressing a fundamental issue at the crux of the research problem (Judijanto L et al.). Overall, the methodology employed aims not only to animate the theoretical underpinnings of this dissertation but also to inform practical recommendations that can enhance legal protections international in commerce,



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fostering a more robust framework for future cross-border transactions (Alimuddin SZ et al.).

IV. Results

The complexities surrounding international commercial rules and the methods of legal protection necessitate a thorough understanding of the dynamics involved in cross-border transactions. The findings of this study reveal significant disparities in the enforcement and interpretation of international commercial rules various jurisdictions, indicating prevalent inconsistency that can compromise the efficacy of legal protections available to businesses. Notably, the research identifies that the harmonization of legal frameworks, such as by the United those provided **Nations** Convention on Contracts for the International Sale of Goods (CISG), is crucial in mitigating discrepancies and enhancing predictability in international trade (Mohammed A Aladaseen). Furthermore, the analysis indicated that wellstructured alternative dispute resolution mechanisms, particularly arbitration, play a pivotal role in addressing the complexities inherent in international commerce, echoing findings from previous studies that stress the importance of these methods for ensuring effective dispute resolution (Khoshnazar MF et al.). In contrast to the existing literature, which tends to emphasize the role of public enforcement in achieving commercial regulatory compliance (H Shakhatreh), this found that private enforcement mechanisms and strong disclosure significantly enhance the effectiveness of legal protections, facilitating a more conducive environment for investment and trade activities (Nurudeen MO et al.). Additionally, the empirical evidence underscores the benefits establishing specialized legal frameworks that accommodate contemporary business aligning with scholarly practices, advocating for the integration of technology into legal procedures (Zhang X). The results contribute to the ongoing discourse regarding the practical implications of international commercial laws, particularly by highlighting the necessity for policymakers to adapt existing structures to foster international cooperation (Almohawes M). The findings further imply that the study of international commercial rules cannot be isolated from the broader economic context, as highlighted by previous contributions that discuss the socioeconomic barriers to effective legal protection in cross-border transactions (J Ikyase et al.). By identifying the critical factors that enhance or undermine the effectiveness of international legal protections, this research provides valuable insights that are essential for both academics and practitioners (Kasera OA et al.). Overall, the results of this study hold significant implications for improving the legal frameworks governing international commerce, illuminating pathways for harmonization that can enhance market confidence and stability (Judijanto L et al.). This research emphasizes the urgent need for a cohesive international legal framework, advocating for reforms that support equitable trade practices and uphold the rights of parties engaged in international transactions (Alimuddin SZ et al.).

V. Discussion

As global commerce expands, the complexities international transactions increasingly necessitate robust legal frameworks to protect the interests of parties involved in cross-border trade. The findings of this research highlight that inefficiencies in the enforcement of international commercial rules and methods of legal protection significantly undermine the security of such transactions. Notably, while mechanisms like arbitration serve crucial roles as alternative dispute resolution methods, inconsistencies in their application raise questions about their effectiveness in various jurisdictions (Mohammed A Aladaseen). The study reveals that countries adopting more unified and transparent legal protections tend to foster higher levels of international trade investment, aligning with earlier findings that emphasize the importance of predictable legal



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environments for bolstering cross-border commerce (Khoshnazar MF et al.). This research builds on existing scholarship which suggests that the harmonization of commercial laws contributes positively to market stability, gaps remain in the practical although application of these laws across jurisdictions (H Shakhatreh). Furthermore, this study's emphasis on the role of private enforcement mechanisms complements previous works that advocate for stronger liability rules in facilitating more effective legal protections (Nurudeen MO et al.). robust disclosure The importance of requirements has also emerged as a critical factor in enhancing market confidence, echoing findings from recent literature advocating for balance between public and private enforcement (Zhang X). While theoretical discussions regarding international commercial norms have explored the implications of various enforcement strategies, this contributes by offering empirical insights into how these strategies impact actual market behavior (Almohawes M). Additionally, the significant variation in the adoption international treaties like the CISG reflects ongoing challenges in aligning domestic regulations with global standards, validating previous research highlighting the need for further legal reforms (J lkyase et al.). The implications of these findings extend beyond academic discourse, suggesting that policymakers must prioritize the establishment of comprehensive legal frameworks that enhance dispute resolution mechanisms and increase compliance with international norms (Kasera OA et al.). By addressing these systemic shortcomings, stakeholders can collectively contribute to a more resilient legal environment that supports international trade and bolsters investor confidence (Judijanto L et al.). Ultimately, this research underscores the need for ongoing dialogue among legal practitioners, scholars, and policymakers to ensure that international commercial rules continue to evolve in response to the dynamic landscape of global commerce (Alimuddin SZ et al.).

VI. Conclusion

The complexities surrounding international commercial rules and methods of thoroughly protection have legal been examined throughout dissertation, this elucidating the critical need for a coherent legal framework to adapt to the evolving nature of investigating alobal commerce. By effectiveness existing international of commercial rules, the research highlighted significant discrepancies in their enforcement and implementation across jurisdictions, which often leads to conflicts and hinders crossborder transactions (Mohammed A Aladaseen). The research problem was systematically addressed by utilizing aualitative methodologies that involved case studies, expert interviews, and an examination of various legal frameworks, ultimately revealing that inconsistencies in legal compliance undermine security of international commercial transactions (Khoshnazar MF et al.). Such findings emphasize the crucial role that harmonization of international laws plays in enhancing the effectiveness and reliability of dispute resolution mechanisms, thus promoting greater efficiency in international trade (H Shakhatreh). Academically, these contribute to the broader understanding of international commercial law by identifying the need for enhanced legal protections and supportive frameworks that reflect both legal socio-economic realities businesses (Nurudeen MO et al.). Practically, the implications are profound as they indicate that policymakers must prioritize reforms that embrace both traditional dispute resolution methods and innovative technological solutions to adapt to the complexities of the digital economy (Zhang X). Future scholarly efforts should delve deeper into the intersections of technology and international commercial law, particularly regarding how emerging tools like blockchain can reshape legal protections (Almohawes M). Additionally, further research into the cultural and jurisdictional nuances affecting the effectiveness of international laws



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would enrich the discourse, particularly in regions with unique legal traditions (J lkyase et al.). Furthermore, there is a pronounced need for legal scholars and practitioners to explore significance private of enforcement mechanisms, as the findings revealed that rules could significantly confidence international consumer in transactions (Kasera OA et al.). Addressing these gaps will not only refine existing legal doctrines but also foster an adaptive legal environment conducive to sustainable economic growth (Judijanto L et al.). Lastly, collaboration among international legal bodies, governments, and businesses is imperative to establish а more unified approach international commercial rules, thus ensuring that legal frameworks are responsive to the fast-paced developments in global trade (Alimuddin SZ et al.). These findings collectively underscore the necessity for ongoing research and reform in international commercial law to address the increasingly intricate challenges posed by globalization and technological advancement (Bi Migin), (M H Kuzyuk), (S Kravtsov), (Myroslav V Hryhorchuk), Nahnybida), (Wang Y et al., p. 62-84), (Wang FF), (Donald J Schepker et al., p. 193-225), (Chan A-W et al., p. 7586-7586), (Porta RL et al., p. 1-32).

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