

Fostering Sustainable Visual Art Ecosystems through Resale Royalty Rights

Hairulnisak Merman^{1*}, Ishak Ramli², Hamidi Abdul Hadi³,

Muhamad Helmi Muhamad Khair⁴

^{1,2,3}*Faculty of Art and Design, Universiti Teknologi MARA, UiTM Perak Branch, Seri Iskandar Campus, Perak, Malaysia*

⁴*Faculty of Law, Universiti Teknologi MARA, Shah Alam, Selangor, Malaysia.*

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ABSTRACT

The sustainability of visual art ecosystems increasingly depends on mechanisms that recognise Artists' creative work beyond the primary art market. In Malaysia, the absence of Resale Royalty Rights (RRR) has contributed to structural imbalances in the visual arts sector, where artists remain excluded from the economic value generated through secondary market transactions. This study examines RRR as a sustainability-oriented mechanism, positioning creative art and design communication as a mediating instrument that enables awareness, understanding, and acceptance of artists' economic rights. Adopting a qualitative and conceptual research approach, the study draws on secondary data sources, including academic literature, policy and legal documents, and institutional publications related to the visual arts and copyright governance. Thematic analysis is employed to identify key linkages between sustainability, economic justice, and communicative practices within the visual art ecosystem. The findings suggest that while RRR has the potential to support economic, social, and institutional sustainability, its effectiveness is contingent upon how such rights are communicated and internalised by artists and stakeholders. The study contributes to cultural sustainability discourse by highlighting the role of creative art and design communication in bridging legal frameworks and sustainable practice, offering policy-relevant insights for the development of a more equitable visual art ecosystem in Malaysia. The study offers conceptual and policy-relevant insights for integrating artists' economic rights and creative communication within sustainability-oriented cultural governance frameworks.

1. INTRODUCTION

The sustainability of visual art ecosystems has become an increasingly critical concern within contemporary creative economies. While visual arts contribute significantly to cultural identity, social discourse, and economic development, the

^{1*} Corresponding author. *E-mail address:* hairulnisak@uitm.edu.my

structural conditions under which visual artists operate often remain precarious. In many art markets, particularly within emerging economies, artists continue to face unstable income, limited social protection, and unequal participation in the long-term economic value generated by their creative labour (UNCTAD, 2024; Towse, 2011). These challenges highlight the need to reconceptualise sustainability in the visual arts beyond environmental considerations, positioning it instead as an integrated framework encompassing economic justice, social equity, and institutional resilience (Sen, 2009).

Recent global developments have further intensified concerns regarding the sustainability of artists' livelihoods, particularly following the COVID-19 pandemic, which exposed the vulnerability of cultural workers to market disruption and income instability. Studies indicate that visual artists were among the most economically affected groups within the creative sector, with limited access to social protection and long-term financial security (Comunian & England, 2020; UNESCO, 2022). These conditions reinforce the urgency of structural mechanisms that support artists' participation in value creation beyond primary markets, positioning sustainability as an economic and governance issue rather than solely a cultural concern.

Within this broader sustainability discourse, creative art and design communication plays a crucial yet frequently underestimated role. Art and design function not only as aesthetic practices, but also as communicative systems that mediate values, rights, and power relations within cultural ecosystems (Frascara, 2004; Margolin, 2015). Through visual language, symbolic representation, and narrative construction, art and design communicate ideas about authorship, ownership, and value to diverse stakeholders, including artists, collectors, galleries, institutions, and the wider public. When communication surrounding artists' economic rights is weak or fragmented, sustainability within the visual arts ecosystem is similarly compromised (Manzini, 2015).

Despite this international momentum, Malaysia has yet to implement Resale Royalty Rights within its national legal framework. Although the Copyright Act 1987 provides protection for moral and economic rights, it does not extend to resale royalties for visual artworks (MyIPO, 2024). Consequently, Malaysian visual artists remain excluded from the secondary market value of their works, even as domestic art auctions, private sales, and regional art platforms continue to expand. This legal omission reflects a broader structural imbalance within the local art ecosystem, where market growth has not translated into equitable economic outcomes for creators (Labetubun, 2022).

Beyond legislative absence, the issue of RRR in Malaysia is further compounded by limited awareness and understanding among visual artists themselves. Existing studies and sectoral observations indicate that many artists are unfamiliar with the concept of resale royalties, unclear about how such rights function, or uncertain about their relevance to their own artistic practice (Syafri et al., 2023). This lack of awareness suggests that the challenge is not solely legal, but also communicative. The absence of effective creative art and design communication strategies to convey artists' economic rights has resulted in a disconnect between policy discourse, institutional frameworks, and the lived realities of practitioners.

In this context, sustainability within the visual arts cannot be achieved through legal reform alone. It requires an enabling communicative environment in which artists are informed, engaged, and empowered to understand their rights and participate meaningfully in policy development. Creative art and design communication thus becomes a critical instrument for fostering sustainability, serving as a bridge between abstract legal frameworks and practical understanding within the artistic community (Frascara, 2004; Manzini, 2015). Through visual narratives, educational design, and culturally grounded communication practices, complex concepts such as RRR can be translated into accessible knowledge that resonates with artists and other stakeholders.

This study positions Resale Royalty Rights as both an economic mechanism and a communicative framework for fostering sustainable visual art ecosystems in Malaysia. Rather than viewing RRR solely as a legal entitlement, the study

conceptualises it as a form of value communication that articulates fairness, recognition, and continuity of creative labour within the art market (O'Dwyer, 2021; Turner, 2012). By examining RRR through the lens of creative art and design communication, the research highlights how sustainability in the visual arts is shaped by the interaction between policy structures, institutional trust, and communicative practices (Scott, 2014).

Focusing on the Malaysian context, this article seeks to contribute to local and regional discourse on cultural sustainability by addressing a critical gap between international policy standards and domestic practice. It argues that fostering a sustainable visual art ecosystem requires not only the introduction of appropriate legal mechanisms, but also the strategic use of creative communication to build awareness, legitimacy, and collective understanding among artists and institutions. In doing so, the study aligns with broader national objectives related to creative industry development and global sustainability agendas, particularly Sustainable Development Goal 8 (Decent Work and Economic Growth) and Sustainable Development Goal 10 (Reduced Inequalities) (United Nations, 2015; UNCTAD, 2024).

This study makes three key contributions. First, it extends sustainability discourse in the visual arts by positioning Resale Royalty Rights as an economic justice mechanism within emerging art markets. Second, it introduces creative art and design communication as a mediating framework that enables policy effectiveness beyond legal enactment. Third, by focusing on the Malaysian context, the study provides locally grounded insights that contribute to regional discussions on cultural governance and sustainable creative ecosystems.

2. LITERATURE REVIEW

2.1 Sustainability and Visual Art Ecosystems

The concept of sustainability within the visual arts has evolved beyond environmental considerations to encompass economic viability, social equity, and institutional continuity. Scholars in cultural economics emphasise that artistic production is embedded within complex ecosystems involving creators, intermediaries, institutions, and markets, all of which must remain balanced for long-term sustainability to be achieved (Towse, 2011). In this context, sustainability refers not only to the survival of artistic practices, but also to the capacity of artists to sustain livelihoods while contributing to cultural and social value.

UNCTAD (2024) highlights the growing contribution of visual arts to the global creative economy, noting that market expansion does not necessarily translate into equitable income distribution for creators. This imbalance is particularly evident in secondary art markets, where value appreciation often benefits collectors and intermediaries rather than the original artists. Sen's (2009) notion of justice further frames sustainability as a matter of fairness and capability, suggesting that sustainable cultural systems must ensure that artists possess the economic means and institutional support necessary to continue creative production.

Within emerging economies, these challenges are intensified by weak policy frameworks and limited institutional support, resulting in fragile art ecosystems that depend heavily on informal networks and market volatility. As such, sustainability in the visual arts requires structural mechanisms that address economic inequality while reinforcing trust and resilience within cultural institutions (Scott, 2014).

Recent scholarship has increasingly framed the visual arts as part of a broader cultural ecosystem, where sustainability depends on the interaction between policy, market structures, institutional governance, and communicative practices. Banks and O'Connor (2021) argue that cultural sustainability must address systemic inequalities embedded within creative work markets, while Throsby (2021) emphasises the need for policy instruments that align cultural value with economic

resilience. These perspectives suggest that sustainability cannot be achieved through market growth alone but requires mechanisms that redistribute value and reinforce institutional trust.

2.2 Resale Royalty Rights (RRR) and Economic Justice in the Visual Arts

Resale Royalty Rights (RRR), also known as *droit de suite*, represent one of the most widely debated mechanisms for addressing economic inequality in the visual arts. The right entitles artists to receive a percentage of the resale price of their artworks when sold through commercial intermediaries, thereby allowing them to share in the long-term value generated by their creative labour. O'Dwyer (2021) argues that RRR reflects a recognition of ongoing authorship and labour, challenging market practices that treat artworks solely as speculative commodities.

Internationally, RRR has been adopted as part of broader cultural policy frameworks aimed at supporting artists' economic sustainability. According to CISAC (2023), more than 100 countries have implemented some form of resale royalty legislation, with evidence suggesting that such schemes contribute to income redistribution and improved financial security for artists, particularly those whose works gain recognition later in their careers. Turner (2012) further notes that RRR addresses information asymmetries in the art market by formalising artists' entitlement to downstream value.

More recent policy analyses indicate that the effectiveness of resale royalty schemes is closely linked to governance design and stakeholder awareness. Studies conducted in the European Union and Australia demonstrate that transparent collection mechanisms and artist education significantly improve both compliance and perceived legitimacy of RRR systems (European Commission, 2022; Screen Australia, 2021). These findings reinforce the argument that resale royalty rights function not merely as legal provisions, but as institutional signals of fairness that require sustained communication to achieve meaningful impact.

Nevertheless, critics have raised concerns regarding administrative complexity, enforcement costs, and market resistance. Despite these debates, the prevailing literature increasingly positions RRR as a normative instrument aligned with principles of economic justice, cultural equity, and sustainability, particularly when supported by transparent institutional frameworks and effective communication strategies (Jewell, 2017).

2.3 Resale Royalty Rights and the Malaysian Visual Art Context

In Malaysia, scholarly engagement with Resale Royalty Rights remains limited, reflecting the absence of formal legal provisions within the Copyright Act 1987. While moral and economic rights are recognised, resale royalties for visual artworks are not included, leaving artists excluded from secondary market value (MyIPO, 2024). Labetubun (2022) identifies this omission as part of a broader governance gap within Southeast Asian creative industries, where intellectual property regimes have struggled to keep pace with evolving market dynamics.

Empirical studies on Malaysia's creative industries indicate that while the visual arts sector has experienced growth through exhibitions, auctions, and regional platforms, economic sustainability for artists remains uneven (Syafri et al., 2023). The lack of resale royalty mechanisms exacerbates this imbalance, reinforcing dependence on primary sales and informal income sources.

Furthermore, limited awareness and legal literacy among visual artists constrain advocacy for policy reform. This highlights the importance of situating RRR not only within legal discourse, but also within communicative practices that enable artists to understand, engage with, and support sustainability-oriented policies. Without such communicative interventions, the introduction of RRR risks remaining symbolic rather than transformative.

2.4 Research Gap

The existing literature reveals three key gaps. First, while sustainability in the visual arts has been widely discussed, limited attention has been given to the role of economic rights mechanisms in sustaining artists' livelihoods within emerging economies. Second, studies on RRR have predominantly focused on legal and economic outcomes, with insufficient emphasis on communication and awareness as enabling factors for policy effectiveness. Third, in the Malaysian context, there is a lack of empirical and conceptual research that integrates sustainability, creative communication, and resale royalty rights within a unified framework.

Addressing these gaps, the present study positions creative art and design communication as a critical lens through which Resale Royalty Rights can be understood and operationalised as a sustainability mechanism. By situating RRR within the Malaysian visual art ecosystem, this research contributes to ongoing discourse on cultural sustainability, economic justice, and inclusive creative governance.

3. METHODOLOGY

This study adopts a qualitative and conceptual research design to examine how Resale Royalty Rights (RRR) can foster sustainable visual art ecosystems in Malaysia through creative art and design communication. The methodological approach is designed to explore meanings, policy discourses, and communicative practices surrounding artists' economic rights rather than to test hypotheses or measure variables quantitatively. A qualitative conceptual approach is appropriate for addressing issues of sustainability, economic justice, and cultural governance, which are embedded in social, institutional, and policy contexts (Creswell & Poth, 2018).

3.1 Research Design and Conceptual Orientation

The research is guided by a conceptual orientation that positions creative art and design communication as a mediating mechanism between Resale Royalty Rights (RRR) and the sustainability of visual art ecosystems. As illustrated in Fig. 1, the conceptual framework situates RRR as a legal and economic structure intended to recognise artists' ongoing creative work and enable their participation in secondary market value. However, the framework emphasises that the capacity of RRR to foster sustainability is contingent upon how these rights are communicated, understood, and internalised by artists and institutional stakeholders.

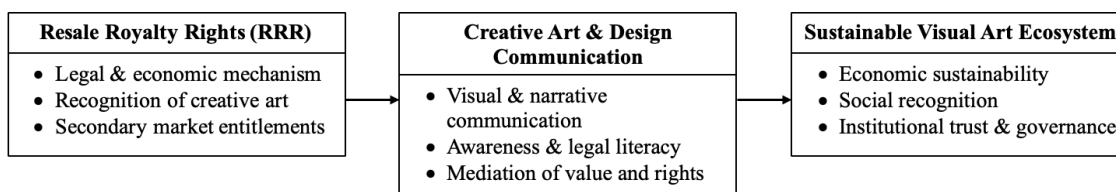


Fig. 1. Conceptual Framework for Fostering Sustainable Visual Art Ecosystems through Resale Royalty Rights

Source: Author

Within this framework, creative art and design communication is conceptualised as a mediating process that translates abstract legal concepts into accessible and culturally resonant knowledge. Through such mediation, RRR is linked to broader sustainability outcomes, including economic sustainability, social recognition of artists, and institutional trust within the visual art ecosystem. This conceptual framing provides the theoretical foundation for the methodological

choices adopted in this study and informs the analytical focus on communication as an enabling condition for sustainable cultural governance.

3.2 Data Sources

The study is based on secondary qualitative data, drawing from multiple document-based sources to capture both global and local perspectives on RRR and sustainability in the visual arts. The primary data sources include academic literature on cultural sustainability, creative economy, and artists' rights; international policy documents and reports related to resale royalty rights; Malaysian legal and institutional documents concerning copyright and visual arts governance; as well as selected media and institutional publications relevant to the Malaysian visual art sector.

Document-based research is particularly suitable for conceptual and policy-oriented studies, as it enables systematic examination of how issues are framed, regulated, and communicated across different institutional contexts (Bowen, 2009). The use of diverse sources allows the study to identify dominant narratives, policy gaps, and communicative challenges related to RRR and sustainability.

3.3 Data Analysis

Data were analysed using thematic analysis, which offers a flexible yet rigorous method for identifying recurring patterns of meaning across qualitative data (Braun & Clarke, 2006). The analysis involved iterative reading, coding, and synthesis of documents, with particular attention given to themes related to sustainability in the visual arts, economic justice, artists' rights, and the role of creative art and design communication in shaping awareness and engagement.

Through this process, conceptual linkages between legal mechanisms, communicative practices, and sustainability outcomes were identified. Rather than focusing on frequency, the analysis emphasised interpretation and meaning making, allowing the study to connect empirical observations with broader theoretical and policy discussions.

3.4 Methodological Framework

Fig. 2 presents the methodological framework of the study, outlining the qualitative and conceptual research design adopted. The framework demonstrates the progression from secondary data sources through thematic analysis to conceptual synthesis, where Resale Royalty Rights are positioned as a sustainability mechanism and creative art and design communication as a mediating factor.

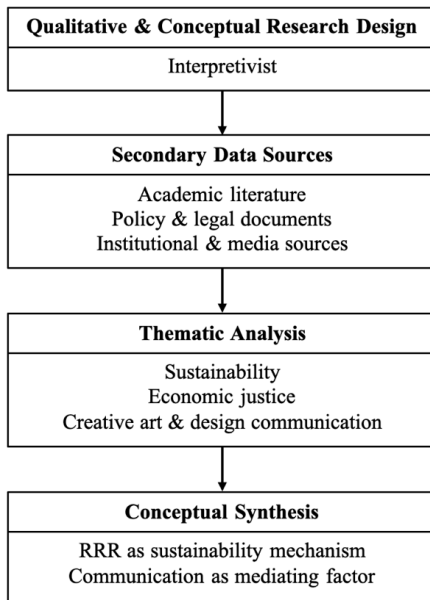


Fig. 2. Methodological Framework of the Study
Source: Author

The overall methodological process adopted in this study is summarised in Fig. 2, which illustrates the progression from a qualitative and conceptual research approach to data analysis and conceptual synthesis. As shown in the figure, the methodology begins with the selection of a qualitative conceptual design, followed by the collection of secondary data from academic, policy, legal, and institutional sources. These data are then analysed thematically to identify key concepts and relationships related to RRR, communication, and sustainability.

The final stage of the methodological framework involves conceptual synthesis, where insights from the analysis are integrated to position Resale Royalty Rights as a sustainability mechanism and creative art and design communication as a mediating factor within the Malaysian visual art ecosystem. This structured methodological process ensures coherence between the study's conceptual framework, analytical strategy, and research objectives.

4. DISCUSSION

This study set out to examine how Resale Royalty Rights (RRR) can function as a mechanism for fostering sustainable visual art ecosystems in Malaysia, with particular emphasis on the mediating role of creative art and design communication. Drawing on the conceptual framework (Fig. 1) and the methodological process outlined in Fig. 2, the discussion highlights the interconnected relationship between legal structures, communicative practices, and sustainability outcomes within the visual arts sector.

4.1 Resale Royalty Rights and Sustainability in the Visual Arts

The findings from the conceptual and documentary analysis reinforce existing literature that positions RRR as a structural response to economic imbalance in the visual arts market. As discussed in earlier studies, the exclusion of artists from secondary market value contributes to income instability and undermines long-term sustainability (O'Dwyer, 2021; Towse, 2011). In the Malaysian context, the absence of resale royalty provisions within the Copyright Act 1987 reflects a structural gap where market growth has not been matched by mechanisms that ensure fair redistribution of value to artists.

From a sustainability perspective, RRR aligns with broader principles of economic justice by recognising artists' ongoing creative labour beyond the point of first sale. This recognition is crucial for sustaining artistic practice over time, particularly in emerging art markets where artists often rely heavily on primary sales and informal income streams. Without mechanisms such as RRR, sustainability within the visual arts remains fragile and uneven, benefitting intermediaries more than creators.

4.2 The Mediating Role of Creative Art and Design Communication

A key contribution of this study lies in its emphasis on creative art and design communication as a mediating factor between RRR and sustainable outcomes. While existing scholarship has largely focused on the legal and economic dimensions of resale royalty rights, this study highlights that legal mechanisms alone are insufficient if they are not effectively communicated, understood, and supported by stakeholders.

As illustrated in Fig. 1, creative communication functions as a bridge that translates abstract legal rights into accessible and culturally resonant knowledge. In the Malaysian visual art ecosystem, limited awareness and legal literacy among artists have been identified as significant barriers to advocacy and policy acceptance. This suggests that the challenge surrounding RRR is not only legislative but also communicative in nature.

Design-led communication strategies such as visual narratives, educational materials, exhibitions, and digital platforms have the potential to make complex concepts like resale royalties intelligible to artists and the wider public. By framing RRR through creative communication, issues of fairness, recognition, and sustainability can be articulated in ways that resonate with artistic communities, thereby strengthening engagement and collective understanding.

Recent studies in design for policy and public communication further support the role of design-led approaches in enhancing policy literacy and stakeholder participation. Kimbell (2020) and Junginger (2021) argue that design can function as a sense-making tool that enables citizens to engage with complex policy issues through visualisation, narrative framing, and participatory processes. Applied to the context of resale royalty rights, such approaches can empower artists to move from passive policy recipients to active participants in sustainability-oriented governance.

4.3 Institutional Trust, Governance, and Communication

The discussion also points to the role of communication in shaping institutional trust and cultural governance. As Scott (2014) argues, institutional legitimacy is not built solely through formal regulation, but through shared understanding and normative acceptance. In contexts where artists perceive policies as distant, opaque, or irrelevant, even well-designed legal frameworks may fail to achieve their intended outcomes.

In Malaysia, the lack of sustained communication between policy institutions, cultural bodies, and artists contributes to scepticism and disengagement. The conceptual framework proposed in this study suggests that creative art and design communication can support governance by fostering transparency, dialogue, and trust. When artists are able to understand how RRR operates and how it aligns with their lived experiences, policy mechanisms are more likely to be perceived as legitimate and beneficial.

4.4 Implications for Cultural Sustainability and Policy Development

From a policy perspective, the findings underscore the importance of integrating communication strategies into sustainability-oriented cultural governance. Introducing RRR without parallel efforts to build awareness and understanding

risks reducing the policy to a symbolic gesture rather than a transformative mechanism. Conversely, embedding RRR within a broader communicative ecosystem enhances its capacity to support economic, social, and institutional sustainability.

This discussion aligns with global sustainability agendas, particularly Sustainable Development Goal 8 (Decent Work and Economic Growth) and Sustainable Development Goal 10 (Reduced Inequalities). By positioning artists' economic rights as a sustainability issue rather than a niche legal concern, the study reframes RRR as part of a holistic approach to creative economy development.

4.5 Contribution to Theory and Practice

Theoretically, this study contributes to interdisciplinary discourse by linking cultural economics, legal studies, and design communication within a sustainability framework. It extends existing RRR literature by foregrounding communication as an enabling condition for policy effectiveness. Practically, the study offers insights for policymakers, cultural institutions, and advocacy bodies by highlighting the need for design-led communication strategies in promoting artists' rights and sustainable art ecosystems.

5. CONCLUSION AND POLICY IMPLICATIONS

5.1 Conclusion

This study has examined the role of Resale Royalty Rights (RRR) in fostering sustainable visual art ecosystems in Malaysia by foregrounding the mediating function of creative art and design communication. Moving beyond conventional legal and economic analyses, the study conceptualises RRR not merely as a statutory entitlement, but as a sustainability-oriented mechanism that articulates economic justice, recognition of creative labour, and long-term viability within the visual arts sector.

The analysis demonstrates that the absence of RRR within Malaysia's legal framework contributes to structural imbalances in the art market, where artists remain excluded from secondary market value despite increasing commercialisation and market growth. However, the study also reveals that legal reform alone is insufficient to achieve sustainability. Without effective communication strategies that translate complex legal concepts into accessible and culturally resonant knowledge, policy mechanisms such as RRR risk remaining underutilised or poorly understood.

By positioning creative art and design communication as a mediating factor, this study highlights the importance of awareness-building, legal literacy, and narrative framing in enabling sustainable outcomes. The proposed conceptual framework illustrates how the interaction between legal structures and communicative practices shapes economic, social, and institutional sustainability within the visual art ecosystem. In doing so, the study contributes to interdisciplinary discourse on cultural sustainability by integrating perspectives from art, design, law, and policy studies.

5.2 Policy Implications

The findings of this study carry several important implications for cultural policy and governance in Malaysia. First, the introduction of Resale Royalty Rights should be considered as part of a broader sustainability agenda within the creative economy, rather than as an isolated copyright reform. Policymakers are encouraged to recognise RRR as a mechanism that supports decent work, fair income distribution, and long-term resilience for visual artists, in alignment with national creative industry strategies and global sustainability goals.

Second, policy development should be accompanied by design-led communication strategies that prioritise clarity, accessibility, and cultural relevance. Institutions responsible for intellectual property, cultural development, and arts funding should collaborate with artists, designers, and educators to develop visual and narrative communication tools that explain artists' rights, market mechanisms, and policy objectives. Such initiatives may include educational campaigns, exhibitions, digital platforms, and training programmes aimed at enhancing legal literacy among visual artists.

Third, effective implementation of RRR requires institutional coordination and trust-building. Cultural institutions, collecting societies, and market intermediaries must be engaged through transparent communication and participatory processes to ensure shared understanding and cooperation. Embedding communication within governance structures can strengthen institutional legitimacy and facilitate smoother policy adoption.

Finally, the study suggests that sustainability in the visual arts should be approached holistically, integrating legal mechanisms, communicative practices, and institutional support systems. By aligning RRR with creative art and design communication, Malaysia has the opportunity to develop a more inclusive, equitable, and sustainable visual art ecosystem that recognises artists not only as cultural producers, but also as economic actors within the creative economy.

Aligning resale royalty rights with creative communication strategies also supports recent international calls for rights-based cultural policy. The UNESCO (2022) report on cultural and creative industries emphasises that sustainable creative economies require not only legal protection, but also inclusive governance and capacity-building initiatives that strengthen artists' agency. In this regard, RRR can serve as a policy instrument that advances both economic sustainability and cultural democracy when embedded within a coherent communicative framework.

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CONFLICT OF INTEREST STATEMENT

The author declares that this research was conducted in the absence of any commercial or financial relationships that could be construed as a potential conflict of interest.

AUTHORS' CONTRIBUTIONS

Authors' Contributions To ensure proper credit and accountability, the individual contributions of the authors are specified as follows:

[Hairulnisak Binti Merman]: Made substantial contributions to the conception and design of the study, as well as the acquisition, analysis, and interpretation of data. Led the development of the conceptual framework and drafting of the manuscript.

[Ishak Bin Ramli]: Contributed to conceptualization and methodology, provided overall academic supervision, and critically reviewed the manuscript for intellectual content. Responsible for communication with the journal and ensuring the integrity and coherence of the final submission.

[Hamidi Bin Abdul Hadi]: Contributed to data organisation, visualisation, and refinement of figures and tables. Provided final approval of the version to be published and agreed to be accountable for all aspects of the work.

[Muhamad Helmi Muhamad Khair]: Assisted in drafting the manuscript and revising it critically for important intellectual content, including literature review, discussion, and alignment with sustainability and policy perspectives.

ETHICS STATEMENT

This study was reviewed and approved by the Research Ethics Committee of Universiti Teknologi MARA (UiTM) (Approval No: REC/12/2024 (PG/MR/620)).

All procedures involving human participants were conducted in accordance with institutional ethical standards and the principles of the 1964 Helsinki Declaration. Informed consent was obtained from all participants, and data anonymity was strictly maintained throughout the study.

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