SUSTAINABLE DEVELOPMENT PERSPECTIVES OF ROMANIAN JUSTICE SYSTEM IN THE 2030 AGENDA CONTEXT

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ABSTRACT: Sustainable development represents a new paradigm about the functioning of society, an approach that involves peaceful societies where the benefits are accessible to all. In addition, this context promotes access to justice for all and the creation of effective, accountable, and inclusive institutions at all levels. Analyzing mainly the social dimension, the paper investigates the contribution of justice in the sustainable development approach, comparing from several perspectives the progress made by Romania in the context of joining the UN 2030 Agenda and supporting the implementation of the set of 17 SDGs. Starting from the consideration that ODD 16 is one of the most innovative aspects of the sustainable development framework, we propose an analysis of the efforts to improve the quality of judicial services in accordance with the National Strategy of Sustainable Development.

KEY WORDS: Sustainable development, UN 2030 Agenda, sustainable development strategy, justice.

1. INTRODUCTION

Arguments pointed out by Meadows et al. (2004), almost two decades ago, remain valid even today, the world society still encounters difficulties in defining, understanding and unitary implementation of the concept of sustainability, a term that presents ambiguities despite the "abusive" use with the affirmation of the concept within the Commission Brundtland in 1987. The concept "sustainable development" was used for the first time by Gro Harlem Brundtland, the prime minister of Norway, on the presentation of "Our Common Future" Report, thus emphasizing the need to respond to the pressures of the moment without causing any damage for future generations to satisfy their own needs. This revolutionary direction was further developed at the Rio summit in 1992 through "Agenda 21" promoting sustainable development as a process that unites the three dimensions of environment, economy, and society.

Within the new concept of sustainable development, the need to ensure equity between generations is thus detached as a major defining component, emphasizing the need to ensure equal opportunities. At the same time, ensuring simultaneous progress on three levels represents a big change in the sense that it moves from the idea of sustainability with a predominantly ecological connotation, to a contextual framework that advocates for the economic and social components of development (Petrescu, 2009).

In this context, in the environmental-economic-social systemic trinomial, sustainable development emphasizes the interrelation between the three dimensions and highlights the need of achieving equality and impartiality across people elevated to the rank of "universal citizen" (Câmpeanu, 2006).

Sustainability is associated with development ideals and efforts, with goals being approached indefinitely, even if we will never be able to fully achieve them. This approach presents sustainability as a target in movement which will be permanently improved along with our understanding of the system improvements (Mitroff, Linstone,1993). Sustainable development must be analyzed as a continuous, endless process (Mog, 2004), which cannot be reported and limited only to rigid objectives and the specific means of achieving them, but

represents an approach to create change, based on an increased understanding of interactions between nature and society.

Sustainable development has as its general objective the harmonization of the interaction of its three dimensions in a service characterized by dynamism and flexibility. Related to this consideration, each country must build its own models of sustainable development referring to the predetermined objectives (Dragomir, Constantinescu, 2018).

Addressing the importance of the social dimension, Ion Petrescu (2009) emphasizes the interinfluenced relationship between social policy and sustainable development management, with significant consequences in the social life of the state. Specifically, it is considered the fact that social policy represents a part of the internal policy of the state, of the power structures and political forces involved in the extensive process of sustainable development. The same author highlights the direct link between the management of sustainable development and social dialogue defined as the concern for obtaining and maintaining a desired and designed internal environment in society, to create the possibility of selecting and practically transposing the tasks of fulfilling the economic, social, and ecological objectives of sustainable development planned at national and local level, in close connection with the environment in which it operates.

2.THE 2030 AGENDA

The year 2015 marks a defining moment in the field of sustainable development through the regulation of the 2030 Agenda based on a three-dimension sustainable development economic, social, and environmental which promotes a set of 17 objectives claiming a better future for the present generations, concerning at the same time for the well-being of the next generations.

A 'win-win' language is promoted to describe the achievement of environmental protection, economic and social development outcomes (Baker et al., 2023). Despite the undeniable benefits of this three-dimensional approach, the specialists support justifiable concerns about the ability of national strategies to implement competing social, economic, and ecological

objectives in the context in which political actors will never put the well-being of different groups of people on the same level.

Scientists know too well the fact that strategies and public policies are not executed by themselves, their elaboration represents only the beginning, not the end of a political cycle. The obstacles they face in the implementation phase are considerable (Păceșilă, Voican, 2007). It is considered that the interactions and tensions that may arise in practice in the context of the implementation of the SDGs in the context of sustainable development strategies are not accurately predicted, respectively eradicating poverty and social inequality while protecting the natural environment, all at the same time (Allen et al., 2018).

As Kempe (2020) notes, the 17 general SDGs represent an innovative perspective, also noted by decision-makers, the novelty being the approach that is no longer limited to developing countries but proposes global objectives that will find applicability in all countries regardless of the degree of development.

The SDGs are becoming a critical element, a vital component of the new international development framework and an important benchmark for acceding states in managing national development planning efforts in the post-2015 period. As the specialized literature notes, the objectives of the Agenda will have a universal character, but each country will define its own national objectives and operational strategies according to the ambition and motivation regarding the scale and pace of transformation (Allen et al., 2016).

Starting from this consideration, we aim to study the actions Romania has accomplished for the reformation of justice in accordance with objective 16 of the Agenda.

2. THE ROMANIAN NAȚIONAL SUSTAINABLE STRATEGY

In the context the need to change the current paradigm becomes a priority for Romania to manage the challenges of the moment, such as the process of globalization, the accentuation of inequalities and the degradation of the natural environment, adherence to the 17 Sustainable Development Goals (SDGs) of the 2030 Agenda, came as a natural step. Sustainable development is seen as the solution to these problems through its new approach. As the literature claims, for Romania, in the context of joining EU, the engagement for the sustainable development objectives represents more than an option, but the only rational perspective of a new development paradigm through the confluence of economic, social and environmental factors (Onet, 2018).

After joining the 2030 Agenda Romania consequently developed a national strategy for sustainable development as a contextualization of the Agenda to the national specifics. Through the 2030 strategy, Romania establishes its national framework for supporting the implementation of the set of 17 SDGs. This innovative strategy is focused on the citizens' perspective, aiming to bring more confidence regarding the way the state serves their needs, by creating an efficient and adequate context, showing concern for the natural environment at the same time.

The Department for Sustainable Development coordinates its implementation and, implicitly, Romania's transition towards a sustainable society. Almost eight years after the adoption of this emblematic document, it can be said that Romania has taken important steps to implement the 17 Sustainable Development Goals that it agreed to undertake. In the past period, the Romanian government managed to finalize the institutional

framework necessary for implementation, an important first step being the establishment of the Interdepartmental Committee for Sustainable Development, the Consultative Council for Sustainable Development and sustainable development centers at the level of ministries. Also, the Department for Sustainable Development has accessed a project with European funding that increases the capacity to implement the Strategy. Within it, an Action Plan will be developed, a set of national indicators to monitor the implementation progress, but also a Sustainability Code addressed to the private environment and other types of organizations.

3. SDG 16-PEACE, JUSTICE, AND STRONG INSTITUTIONS

SDG 16 represents the most innovative element of the development framework, calling for the promotion of government accountability, building trust in institutions and sustaining peace (Kempe, 2020).

All the debates regarding the need for sustainable development will remain ineffective in the absence of an adequate framework in which the authority can act, namely: a functional state of law, justice services that ensure unrestricted access and equality before the law, effective preventive measures combating violence in all forms and not least, strong institutions. Starting from these premises of sustainable development, SDG 16 of the 2030 Agenda - "Transforming our world" brings an element of novelty by proposing several directions for the development of the social dimension.

SDG 16 aims to promote peaceful and inclusive societies based on respect for human rights, the protection of the most vulnerable, the rule of law and good governance at all levels.

Ever since the launch of the 2030 Agenda, the European Union has assumed the position of global leader in promoting sustainable development objectives. For the EU member states, democracy, the rule of law, good governance are essential for a peaceful, inclusive, and sustainable society. In recent years more than 56% of EU residents considered the independence of courts and judges in their country to be "very good" or "good", which represents an increase of four percentage points compared to 2016.

Another target associated with sustainable development objective no. 16 is the one regarding the equal access of people to Justice. Romanian society was conflicted for a while by the controversies related to the anti-corruption fight coordinated by the National Anti-Corruption Department, assisted by the intelligence services. These controversies were externalized in pro-anti-corruption street demonstrations government support rallies, resulting in violence and destruction of material goods. Confidence in the judiciary in Romania is on a negative trend, due to the administration of the criminal component of the judicial act, the procrastination of some civil cases and the suspicion of political instrumentalization of justice. Although in the last decade efforts have been made to combat corruption and acts assimilated to it, European and international evaluations continue to be critical, signaling problems related to the independence of justice.

As the national strategy states, without strong institutions that operate based on the principles of good governance (legality, transparency, impartiality, equidistance, equity, inclusion) we cannot talk about sustainable development. Institutions must become resilient and adaptive dealing with social, economic, climate change related problems, or in the event of natural disasters. Resilience and adaptation are built through an

effective partnership with civil society and interested citizens. The partnership between authorities and citizens constitutes a source of trust and legitimacy necessary to achieve the sustainable development objectives of the 2030 Agenda, a process in which Romanian authorities are also engaged, at national and local level.

The report also refers to the Judiciary Development Strategy seen as a support in the fulfillment of SDG 16 through its continuous modernization efforts, while identifying new ways to guarantee the independence of the judiciary, increasing its quality and efficiency until 2025. Other notable initiatives aim the regime for the execution of punishments, which has been improved through the modernization of detention institutions but also through the consolidation of the probation system, thus increasing the role of social reintegration of the subject to custodial or non-custodial sanctions.

Another important measure is aimed at the integrated national IT system for recording claims related to criminal acts and the operation of data in the European criminal records information system, but also subsequent actions aimed at recovering these amounts.

In support of the target - efficient and responsible institutions, it is ordered to accelerate the implementation of digital technologies, which facilitate the efficiency and transparency of citizen-administration communication.

4. ASSESSING SDG 16 PROGRESS IN THE FIELD OF JUSTICE

4.1. Indicators in accordance with the Voluntary Report of Romania

In 2023, five years after the debut of the national effort regarding the implementation of the 2030 Agenda, a second Voluntary Report of Romania was produced with the aim of highlighting in a transparent way the means Romania had adapted the guidelines and put into practice the 17 Sustainable Development Goals.

As declared by the national coordinator for the implementation of the 2030 Agenda, Mr. Laszlo Borbely, Romania's approach to the implementation of the objectives is a holistic one, being

coordinated by the government and based on a coherent interinstitutional organization. It is considered that this report represents a symbol of cooperation, because of an extensive dialogue with all social segments. Furthermore, the report finds its usefulness as the consultations and assessments carried out materialize through a series of recommendations and measures for improvement.

One such measure is, for example, the professionalization process of experts in sustainable development at the local level that will start in 2023 aiming to increase the capacity of public administration personnel, for the implementation of the 2030 Agenda.

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From a statistical point of view, we discover in the annexes dedicated to sustainability indicators a single element regarding the judicial system, which unfortunately reveals a regression of the respective target within Objective 16. The indicator considered relevant for measuring an efficient, fast, independent, and impartial justice is the number of lawsuits initiated and won by litigants against Romania at the ECHR. The results show an increase of 1.37 for the reference period.

Table 1. Assessing SDG16 progress-administration of justice

SNDDR target	Indicator name	Main (P)	Average	Time	SCOR	
		/Additional (A)	annual growth rate – 2016 - the last year available	interval	Indicator	Target
Administration of justice in conditions of impartiality and speed, in accordance with established laws and procedures, with compliance with the principle of presumption of innocence	Number of law suits won against the Romanian state before the European Court of Human Rights	A	1.37	2016- 2021		

4.2. European Indicators

A first indicator considered relevant in measuring the functioning of the courts, so that they meet the requirements of autonomy, accessibility, speed, refers to the financial resources directed by the public administrations to support the judicial system. According to the indicator, court expenses are considered excluding prison administrations, the calculation being reported to the number of inhabitants during the year of reference. For Romania, we observe an increase in expenses, respectively a doubling of the system's funding from the starting year of the project, 2015, and the last year of reference according to statistics, 2021 (https://dezvoltaredurabila.gov.ro/, Accessed May 2023).

A second European indicator measures citizens' perceptions of the independence of the judicial system, a subjective indicator related to the perceived independence of courts and judges. Using the annual Flash Eurobarometer surveys carried out at the request of the Directorate-General for Justice and Consumers of the European Commission, the indicator measures this perception in all EU member states.

The Romanian judicial system experiences a decrease in the citizens' perception of the independence of the judiciary, compared to the reference year 2016 when it recorded a score of 8 percent, reaching only 4 percent in the period 2019-2020, so that in the years 2021 and 2022 it will know a return to 6 percent, even so, well below the EU average.

Table 2. Total expenditure of the public administration for the judiciary according to Eurostat Evaluation

Time frequency Annual
Unit of measure Million euro

TIME	2015	2016	2017	2018	2019	2020	2021
GEO (Labels)							
Belgium	1.028	1.134	1.141	1.163	1.173	1.202	1.324
Bulgaria	304	300	332	341	416	441	506
Czechia	547	549	579	634	697	704	727
Denmark	452	461	444	461	497	516	548
Germany	11.987	12.102	12.513	12.997	13.482	13.364	14.330
Estonia	63	67	73	77	86	86	86
Ireland	569	594	632	677	716	744	753
Greece	551	583	596	671	669	674	648
Spain	3.877	3.875	3.956	4.112	4.251	4.363	4.583
France	5.008	5.173	5.262	5.536	5.685	5.713	6.272
Croatia	211	215	225	236	253	258	264
Italy	5.562	5.450	5.632	5.818	5.948	5.814	6.000
Cyprus	22	23	26	35	30	34	33
Latvia	102	102	111	121	129	140	155
Lithuania	104	106	110	117	126	133	131
Luxembourg	108	119	123	130	143	151	162
Hungary	429	475	515	560	605	574	590
Malta	22	29	29	32	40	46	58
Netherlands	1.911	1.953	2.025	2.153	2.215	2.323	2.320
Austria	1.009	1.019	1.047	1.065	1.076	1.082	1.127
Poland	2.224	2.181	2.345	2.533	2.743	2.921	2.981
Portugal	630	648	646	689	693	727	742
Romania	573	657	907	831	925	930	1.077
Slovenia	191	199	198	207	220	227	238
Slovakia	265	215	226	251	308	295	291
Finland	488	504	544	553	617	566	573
Sweden	1.221	1.278	1.303	1.261	1.264	1.278	1.391
Iceland	34	41	51	55	54	47	51
Norway	538	551	552	546	559	529	580
Switzerland	1.798	1.744	1.739	1.712	1.839	1.957	1.973

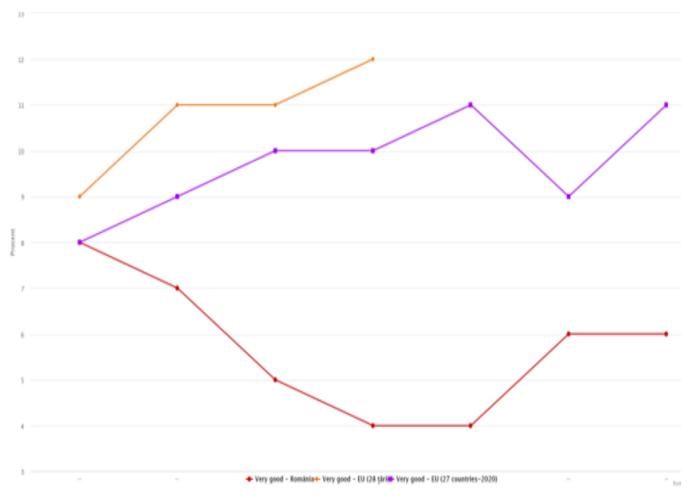


Figure 1. Perceived independence of the judiciary sistem (source Eurostat)

5. THE TRANSFORMATIONS OF THE ROMANIAN JUDICIAL SYSTEM IN THE CONTEXT OF THE QUALITY ACTIONS OF ENCJ

In the context of Romania's accession to the European Union, under the obvious demands of this change, the Romanian judicial system is undergoing a continuous and extensive transformation. Gradually, under the influence of these changes and influences of the European justice systems, the Romanian judicial system begins to realize and accept the reality that the primary mission of justice is to satisfy the public interest, of the citizen as a client of judicial services.

Romania has made significant progress in recent years, the participation in working groups and meetings on the topic of the quality of justice laid the foundations for a system of indicators that, starting from the period 2014-2016, offers a new perspective on quality as well as the possibility to evaluate the courts between them and even to compare the European judicial systems. This is possible thanks to the effort to find a common perspective, measurement areas and similar indicators, which enhances the exchange of experience between states. The knowledge of these comparative data is of particular importance for a realistic and complex perspective, in opposition to the simplistic way in which the quality assessment was initially carried out in Romania, the performance of the judicial system mainly referring to the court decision or the person of the judge.

The independence of the judicial system as a whole and that of the judge are sine-qua-non conditions of the rule of law without which the justice apparatus cannot fulfill its purpose and functions. The desire for independence cannot be seen in isolation, but directly linked to responsibility. In this context, we emphasize the importance of the project started by the European Network of Judicial Councils, in which Romania was from the beginning one of the participating countries, which sought to create a system of common indicators, relevant for measuring the independence, responsibility and quality of the judicial systems in the EU, as well as the promotion of the ENCJ vision as a common vision of the member states.

According to the ENCJ, "independence must be won. It is not acquired automatically". Therefore, judicial systems that refuse to be accountable to citizens will lose the trust of society and, implicitly, the autonomy they desire, efficient and transparent functioning being the best guarantee of independence (ENCJ, 2015).

To carry out an empirical evaluation of these two dimensions, the ENCJ effort focused on identifying a "set of real indicators" for evaluating the independence and responsibility of courts. According to these indicators, it is considered that the judicial system includes the judges, together with the legal and administrative staff, as well as the bodies that govern the courts, but also the judicial councils". The indicators for the evaluation of the independence and responsibility of the judicial system were described by the ENCJ in the Report on the independence and responsibility of the judicial system for the period 2013-2014, being taken as such and analyzed in the following.

The ENCJ framework (ENCJ, 2015) distinguishes between objective independence, which it defines as referring to the legal aspects and other objectively observable elements of the legal system that are essential to independence, and subjective independence, which it defines as referring to society's perceptions of independence. In the scientific literature, a distinction is frequently made between "de iure" and "de facto" independence (Rios-Figueroa, Staton, 2014). "De iure"

independence refers to the guarantees and official procedures regarding it, and "de facto" independence refers to the independence exercised concretely in the decisions made by judges. As with independence, the draft distinguishes between objective judicial responsibility and subjective judicial responsibility.

Experimentally, in four countries - located in Europe - from various regions and with varied legal systems, the indicators were tested. The feasibility of their measurement was confirmed, reaching the conclusion that the set of criteria represents a beneficial tool to advance in the knowledge of the real independence and responsibility of judicial systems. The pilot project also reveals a negative side regarding the subjective indicators. Thus, it is found that only the Netherlands, which has a system that combines objective and subjective data for a complete picture, the other participating states cannot provide results regarding the perception of litigants regarding the independence, impartiality, perceived quality of justice. This aspect must constitute an alarm signal for the Romanian judicial system, which continues to evade an external evaluation of its quality and implicitly of its independence and responsibility.

Compared to the pilot program we note in the last reports two new benchmarks in the assessment of the accountability of the judicial sistem. A first novelty factor is represented by the indicator regarding information and awareness-raising activities aimed at civil society, which is carried out through activities such as open days, educational programs held in schools, participation in television/radio/social media programs for to provide an insight into the judge's work (ENCJ, 2022).

A second indicator refers to the transparency of the judicial system regarding its functioning, establishing as a guarantee in this sense the involvement of civil society in judicial governance. This new concept, in accordance with the current sustainability requirements, precisely involves the participation of civil society in the governing bodies of the judicial system charged with the selection and appointment of magistrates, complaints and sanctions against judges and judicial organizations in general. We note that the Romanian judicial system has a score of 0 in terms of this indicator.

Another criterion, this time within the dimension of measuring the judge's responsibility, refers to the evaluation of judges itself, the sub-indicators referring to the existence of the performance evaluation, the formalization of the purpose of the analysis carried out and the method of protecting independence by type of evaluation.

The conclusions of the latest reports regarding the criterion of independence, both the system as a whole and of the judges, highlight the fact that all the aspects and indicators identified have seen an improvement. Measures to evaluate independence also included a self-assessment survey addressed to magistrates, because of which we find that judges generally appreciate their independence positively. Unfortunately, we notice a negative aspect, there are no data regarding Poland and Romania because they did not carry out the self-assessment surveys repeatedly, not understanding the importance of these subjective data (ENCJ, 2022).

It is certain that the proposed indicators had reached a sufficient level of maturity and development to reach the scope of evaluation and to play a role in identifying improvement measures for the justice systems in question. It is emphasized that the progress for improving independence, responsibility and quality is not limited to the actions carried out, judging by the difference between the average scores and those representing

examples of good practices. The development of improvement measures is not a one-time activity, but is part of a cyclic optimization process (PDCA: Plan, Do, Check, Act).

From 2015 until now, efforts are being made to expand and develop justice quality indicators starting from the best practice models in the matter, the Dutch and Finnish quality system. The indicators are continuously improved by trying to create a common survey for the member countries. ENCJ expects all judicial councils to adopt an adequate framework that demonstrates their involvement in guaranteeing and promoting the quality of justice and support in the continuous improvement approach based on general recommendations. For a complete evaluation, qualitative and quantitative indicators are combined, as well as objective and subjective indicators, the perception of justice service users being an important benchmark. The survey thus measures aspects regarding efficiency and speed, communication and accessibility, transparency of justice. From our point of view, the very complex and refined ENCJ benchmarks are an important support in sustainable development achievements.

6. CONCLUSIONS

The 2030 Agenda for Sustainable Development as well as the other initiatives analyzed in the field of quality and sustainability propose an innovative vision not only through the lens of the interconnected promoted objectives, but also in terms of the way of implementation. Justice, becoming a main actor in the process of change based on quality and sustainability criteria, must also recognize the fact that the success of materialization is not limited to the objective framework, to the actions of the state, but requires the involvement of citizens.

The steps taken by Romania to implement a quality management system starting from 2014-2015, along with the commitments made towards the implementation of the sustainability objectives according to the 2030 Agenda, have made significant contributions. We can see the progress from quality-oriented procedures to a complex quality assessment system (Hulpuş, 2016; Hulpuş et al., 2015), which transformed into performance indicators the very primordial principles that govern the field of justice: equality in front of the law, independence, responsibility, impartiality, celerity. We must note, however, that this more comprehensive view of quality does not fully respond to the objectives of quality and sustainability as long as we face the neglect of the basic principle of orientation towards the beneficiary of judicial services avoiding external evaluations and excluding subjective indicators (Hulpuş, 2018). The independence and accountability of the system and judges, the accessibility and quality of justice cannot be measured only by objective indicators, but they must be accompanied by data and subjective indicators.

In conclusion, reiterating the importance of the progress made by our country, we want to highlight the imperative of establishing a quality and sustainability evaluation framework of our own, flexible, inspired by examples of good practices, but constantly adapted to the specifics of the Romanian judicial system and to the needs of justice users, a system that adopts the citizen's perspective as the main benchmark of the sustainable development process.

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