



# Basic elements of good governance in Vietnam today and proposed solutions

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Received 3 Jun 2025; Accepted 24 Jun 2025; Published 15 Jul 2025

DOI: <https://doi.org/10.64601/v4i2.030112>

## Abstract

The purpose of this study is to explore and identify the basic elements affecting governance. Theoretical and practical studies have shown that there are many elements affecting governance. Inheriting previous studies, analyzing socio-economic conditions, changes in the legal structure system and especially the requirements for a transparent and dynamic legal system; this study explores and identifies four basic elements of good governance in Vietnam today, including: legal elements; elements of professionalism, modernity, publicity and transparency; ensuring the participation of social organizations and people in state management activities; the impact of science, technology and the international integration process. Based on the analysis, evaluation, comparison and contrast between the practical situation and the increasing demands of the transparency of the legal system, this study; in order to achieve the general goal of national governance to meet the requirements of national development and international integration in the new period, this study recommends a number of solutions to perfect the good state governance system in Vietnam in the coming time.

**Keywords:** Law, Governance, State, Good governance factors, Vietnam

## Introduction

In state management activities, social management, good governance is identified as one of the important goals of each country. Therefore, state governance is of particular interest to countries and international organizations; considering governance as a tool to control state activities, evaluate the effectiveness of national governance for the activities of social institutions and as the basis of good governance, good state governance. According to the European Union: "Governance means the rules, processes and behaviours that influence the way in which powers are exercised within a defined scope, especially with regard to openness, participation, accountability, efficiency and cohesion" (European Union, 2001).

Governance appeared quite early in human history and has been used in many different areas of social life, but at different stages, the terms governance or management in each area are also used differently. Governance has a process of birth and development along with the process of society from traditional to modern; from the "governing" administrative management to the "serving" administrative management. Up to now, governance has been widely used in many areas and is an inevitable trend of state agencies, units and organizations as well as the whole society. Therefore, governance has truly become a governance science with the study of how governance subjects influence governance objects in order to achieve the highest efficiency in state management and social management activities.

In today's era, governance is an objective and inevitable requirement, and good governance is one of the important elements, meeting the requirements of tasks to achieve the

development and prosperity goals of each country. At the 13th National Congress of the Communist Party of Vietnam (CPV), the policy was: "Innovating national governance in a modern and effective direction" (CPV, 2021, p. 203). However, to achieve the goal of good governance, it requires competent governance entities to have a high sense of responsibility, to be proactive, flexible, creative and appropriate to specific conditions and circumstances; clearly identify the important role of good state governance in building and developing a market economy in a fair and sustainable society based on a complete, synchronous, unified, effective and efficient legal institutional framework.

## Literature review and theoretical framework

State governance is a topic that always attracts the attention of many researchers not only in Vietnam but also in the world. Therefore, there have been many studies related to state governance in Vietnam. Based on the approach from certain angles, the term governance is also conceived with different understandings. Specifically, the term "Governance" in English is understood with the meanings: governance, management, administration, control, etc.; Management (control, arrangement, management, administration, etc.). Depending on the approach to use appropriately with the meaning of "governance", "management", or "administration". State governance also has a process of inheritance and development through the historical stages of mankind, when the state appeared, governance was born associated with the birth of the state. However, in the early stages, the term "state management" was used more commonly, although both terms, management and administration, have the same nature, content,

and purpose to maintain social order according to certain principles and standards.

The authors Harold Kootz, Cyril Odonnell, Heinz Weihrich (2004) believe: Perhaps there is no field of human activity more important than management work, because every manager at every level and in every facility has a basic task of designing and maintaining an environment in which individuals working together in groups can complete tasks and set goals.

According to James H. D. Donnelly, J. R. James L Gibson & John M. Ivancevich (2000): Management is a process carried out by one or more people to coordinate the activities of others to achieve results that a person working alone cannot achieve. Henry Fayol ( a French administrator and manager) also believes that: Administration is the process of performing the functions of planning, organizing, leading and controlling to achieve a defined goal". Developing Henry Fayol's concept, J. Stonner and S. Robbins further stated: Administration is a process that includes planning, organizing, leading and controlling the activities of members in the organization and the use of all other resources of the organization to achieve the set goals (Thu, 2021).

Based on the role of administration in social life and with the concepts of administration mentioned above, we can understand Administration as the impact of the subject with administrative authority on the object of administration through methods with specific tools, means, and measures to direct, operate, inspect and use the resources of agencies and organizations to achieve the goals of the administrative subject that have been determined or set in advance. For the state, administration State governance today is an objective necessity in the process of transition from traditional administrative management to modern governance in all areas of social life. Up to now, there are many concepts and viewpoints on governance in general and state governance in particular; typical viewpoints on state governance that are popular today are:

According to the World Bank (WB, 1989), national governance is defined as "the way the government holds power and exercises power to manage the country's economic and social resources for development purposes". This viewpoint shows that the development goal is considered the most important in the governance process of the country, regardless of the form used.

According to the Organization for Economic Cooperation and Development (OECD, 2023), state governance is the exercise of government power and in the political field. Good governance helps promote democracy and human rights, promote economic prosperity, social stability and cohesion, reduce poverty, protect the environment, use resources and increase trust in government and administrative institutions.

In addition, Kaufmann (2010) believes that: State governance is the traditions and institutions that exercise power in a country, including: How to choose the country's leaders, how to monitor them and how to replace them when necessary. The government's capacity to formulate and implement sound policies and provide public services. The respect of the people

and the state for the institutions that regulate economic interactions.

Although there are rich and diverse concepts and understandings of state governance, those concepts agree that state governance has the following basic characteristics: Determining the resources and assets entrusted to the state; organizing the management of those resources through formal/informal institutions; ensure the right of people to participate. Meanwhile, State management shows traditional characteristics with determining the authority of the State; delimiting authority (assigning, dividing tasks); organizing the implementation of authority; measures of encouragement and coercion.

Administration in general appeared quite early in human history, when the form of social organization was born, administration (or management) was identified as an essential need of humans to maintain and stabilize social order. In particular, state administration plays an important role in the control and management of society, although the state administration model in the traditional administrative system with the concept of administration as "governance" to the modern administrative system, administration has a quite fundamental change in concept, in accordance with the requirements of contemporary society and originating from administration as "service". The concept of administration in the modern state is consistent with the development process of society, all activities in the law enforcement organization aim to maintain security, order, social safety, promote sustainable socio-economic development, meet the needs of people, for people and protect human rights. State governance clearly demonstrates the development trend of modern society with the participation of the people. In which, people participate in policy making and closely monitor the implementation of state policies with procedures and information that must be accessible to the people, helping them to monitor and in law enforcement, state governance, the government cares about the social interests of all relevant parties.

Therefore, creating broad consensus in society as well as creating opportunities to improve the quality of life of all people. At the same time, state governance entities are accountable to the people. Thereby, ensuring publicity, transparency, and democracy in state governance, social governance; gradually improving the quality, legal validity and effectiveness of state governance; meeting the requirements and demands in the conditions of scientific and technological development, the information explosion and the globalization trend in all areas of social life; the need for deeper and deeper international integration and cooperation to serve the promotion of socio-economic development; ensuring human rights in the modern world.

Thus, within the limited scope and related to the topic, the following research works can be mentioned: James H Donnelly, JR, James L.Gibson & John M.Ivancevich (2000) with "Basic Management"; European Union (2001) with "White Paper on European Management"; Alvin Toffler (2002) with "The third wave"; Harold Koontz, Cyril O Donnell

& Heinz Weihrich (2004) with “The Essentials of Governance”; Daniel Kaufmann & Aart Kraay (2010) with “The Worldwide Governance Indicators: Methodology and Analytical Issues”; Nguyen Thi Que Anh, Vu Cong Giao & Nguyen Hoang Anh (2018) with “Theories, models, approaches to state governance and anti-corruption”; Van Tat Thu (2021) with “Concepts, roles, characteristics of state governance”, etc. The studies have clarified many issues related to the topic and serve as the theoretical basis for the author to develop frameworks for evaluating factors affecting good state governance in the context of Vietnam.

### Research methods

Research the views of the Party and State and legal documents on good governance, specifically: Resolution No. 27-NQ/TW dated November 9, 2022 of the 6th Conference of the 13th Central Executive Committee of the Party on continuing to build and perfect the socialist rule-of-law state of Vietnam in the new period of the 2013 Constitution of the Central Executive Committee of the Party (2022), Documents of the 13th National Congress of Delegates of Central Executive Committee of the Party (2021); Constitution of the Socialist Republic of Vietnam (2013); Law on Organization of the Government 2015 (Law No. 76/2015/QH13) (2012); Law on Organization of the Government 2015, amended and supplemented in 2019 (Law No. 47/2019/QH14) (2019); Law on Organization of Local Government 2015 (Law No. 77/2015/QH13) (2015); Law on Organization of Local Government, amended and supplemented in 2019 (Law No. 47/2019/QH14) (2019); Law on Organization of Local Government (Law No. 65/2025/QH15) (2025), etc.

In addition, to study the topic of basic elements of good state governance in Vietnam today, the author uses qualitative research methods based on secondary data from; analysis method, synthesis method; sociological statistics method; inductive method to assess some legal issues on corporate income tax for enterprises with investment projects in industrial parks in the past, and evaluate tax incentives for enterprises in industrial parks. The practical approach in legal documents allows for a correct assessment of the current state of application, thereby more accurately assessing the factors affecting good governance in the current context of Vietnam.

## 4. Results and discussion

### 4.1. Factors affecting governance

Many studies have shown that there are many factors affecting good governance. In the view of OECD (2023), a state is considered to have good governance when it meets 8 principles of the good governance framework; David Osborn and Ted Gaeble propose 14 principles; Akhtar (2002), good governance in the context of a developing country is interpreted into 03 factors, etc. Based on analysis, assessment and consultation, this study identifies the following specific factors:

#### 4.1.1. Legal factors for state governance

Law plays a particularly important role in state and social management, especially in the process of Vietnam

implementing Resolution No. 27-NQ/TW dated November 9, 2022 of the 6th Conference of the 13th Party Central Committee on continuing to build and perfect the socialist rule-of-law state of Vietnam in the new period. This is one of the important elements for implementing good state governance in Vietnam today. The World Bank's Governance and Law Report (2017) has provided messages between state policies and the desired governance effectiveness. Specifically:

- Successful reforms are not just about applying the best practices in some countries to others. Policies can only be effective if they have three requirements: credible political commitment; good coordination and support; and cooperation;
- Unbalanced distribution of power can undermine policy effectiveness. This imbalance can lead to negative outcomes such as exclusion of some groups from the policy process; policy manipulation and cronyism by some groups;
- Changes are feasible: Elites, citizens and international actors can promote change by creating incentives, changing priorities and beliefs, and enhancing criticality and debate in the policy-making process;
- There are three basic principles when rethinking governance for development: Think not only about institutional form but also about institutional function; not only think about capacity building but also consider the reasonable and proportional distribution of power; not only think about the rule of law but also consider the role of law.

The above messages of the World Development Report 2017 have raised the issue that needs to be resolved harmoniously, which is governance and law. In particular, it is necessary to attach importance to the role of law as an institution to achieve in the implementation of development policies.

In reality, any socio-economic condition has an institution with a legal system and corresponding institutional organization of the administrative apparatus; established according to the model prescribed by law to enforce the law, administer the fields arising in social life. Therefore, with the previous bureaucratic governance models in the traditional administration no longer suitable for today's modern socio-economic conditions, with the strong development of science and technology, the explosion of information technology has been posing new requirements and demands for the activities of building, promulgating laws and organizing law enforcement; improving the effectiveness of laws and the effectiveness of state governance. This problem can be demonstrated in the model of national governance developed in the United States of America: “Dozens of laws with direct impact on family life have been abolished and contradict each other, worsening the family crisis. The education system is fully funded at the same time as the number of children reaching school age has been reduced, causing unnecessary construction of schools and thus cutting funds that are urgently needed for other purposes, etc. At the same time, the legal apparatus has created an unacceptable network of regulations.

In just one year, 45,000 pages of complex regulations were issued, 27 different government agencies overseeing 5,600 federal regulations related to steel production alone, etc.” (Alvin Toffler, 2002, p. 323).

In Vietnam, during the period of implementing a centrally planned economy with an incomplete legal system, lacking unity and synchronization, the apparatus has been created Bureaucratic administration, and overlapping and duplicate operations have significantly affected the effectiveness of state governance.

Currently, in Vietnam, the improvement of laws is associated with improving the effectiveness and efficiency of law enforcement, building a unified, synchronous, feasible, public, transparent, stable, internationally competitive legal system that takes the legitimate and legal rights and interests of the people as the center, promotes innovation, ensures the requirements of sustainable economic, social and national defense and security development in new conditions. Specifically: “Innovating national governance towards modernity and effective competition” (CPV, vol. 1, 2021, p. 337).

In short, along with the process of building a rule-of-law state, the activities of all agencies, organizations and individuals must be carried out on the basis of legal regulations and good governance must have fair legal frameworks, enforced impartially, without bias, and without discrimination. Good governance requires the protection of human rights, especially the rights of minority groups in society. Impartial enforcement of the law requires an independent judicial system and a fair, impartial and non-corrupt police force (Anh, *et al.*, 2018, p. 293).

#### **4.1.2. Factors of professionalism, modernity, openness, and transparency**

The general orientation for building Government institutions in the coming years was determined by the 13th Congress (2021) of the CPV as: “Building a state administration that serves the people, is democratic, rule of law, professional, modern, clean, strong, public, and transparent”. This is considered a fundamental factor affecting good state governance in the context of Vietnam, with the CPV comprehensively leading the country's socio-economic life in a way that is both public and transparent; modern and comprehensive.

In order for professionalism, modernity, publicness, and transparency to be ensured in practice; it is necessary to strengthen the accountability of state agencies, organizations, officials, and civil servants in organizing law enforcement and performing public duties. To do so, it is necessary to respect and ensure accountability with specific, clear, transparent regulations and public information about the activities of management entities (Government, local authorities, units providing public services to people, businesses, etc.). This is one of the basic characteristics of good governance today. According to Bentham, without publicity, all control is useless: Compared to publicity, all control is insignificant (Anh, *et al.*, 2018). Therefore, publicity and transparency in state

governance need to be identified as one of the important principles to successfully implement the goal of good state governance in a professional, modern administration. At the same time, to implement good state governance, it is not only necessary to organize a scientific and reasonable state apparatus but also to ensure the building of a team of cadres, civil servants and public employees with professional qualifications and skills to absorb and apply scientific and technological achievements systematically and professionally with a modern administration to successfully complete assigned tasks and public duties; to promptly, promptly and legally resolve the work of agencies, organizations and individuals.

The goal of good state governance is to build a professional, modern and transparent national administration to improve the quality of management activities in all aspects and areas of social life with a dynamic and flexible administration in law enforcement, management and supervision of activities of subjects in social life; to gradually improve the effectiveness of public sector management in general and good management of society in general.

#### **4.1.3. Ensuring the participation of social organizations and people in State management activities**

In fact, the participation of social organizations and the support of the people for State management not only contribute to ensuring the promotion of democracy in our State, ensuring the rights of the people in State management activities, affirming the nature of our State as a socialist rule-of-law state of the people, by the people, for the people, but also is an important factor affecting the effectiveness of State management. Practice shows that the greater the participation and support of the people for State agencies, the easier it is for the management activities of the State apparatus to achieve their goals, and only when the people truly play an important role in the process of State management activities will the building and perfecting of a socialist rule-of-law state be truly successful.

The participation of people in state management and social management activities is not only through direct forms of exercising their rights and obligations as cadres, civil servants and public employees working in state agencies and organizations, but also through exercising their mastery rights through social organizations. Social organizations are organized and operate on the basis of state laws and their own charters, and are a way for people to exercise democracy, monitor and control state activities (especially administrative activities); to detect violations of the law, make recommendations or request competent state agencies to handle them strictly, promptly and in accordance with the law, and maintain legal order. Thereby, contributing to improving the quality and efficiency of service to people and businesses, improving the effectiveness of state governance, meeting the requirements and tasks set for the state.

People's participation in state management ensures objectivity in state management in general and administrative

management in particular, helping people realize their legal status as well as express their legitimate aspirations, promoting their role as masters in state management. People not only have the right to supervise the activities of state administrative agencies; exercise the right to complain and denounce, but also have the right to participate in state management activities themselves, directly expressing their interests. This demonstrates the special role of the people in state management, and at the same time determines the tasks that the state must perform in ensuring conditions for people to participate in state administrative management. People can directly participate in state management activities through directly working at state agencies or through exercising their rights and obligations as citizens. People can also indirectly implement state management through participating in the activities of social organizations and self-management activities at the grassroots level.

The participation of social organizations and people in management activities, with the role of supervision and social criticism, is one of the ways to attract people from all walks of life to participate in state management and social management, ensuring and promoting people's mastery, contributing to creating core values in good state governance. Depending on the field, content and nature of state management, people can participate directly and indirectly or through their representatives; promptly convey necessary information to state management entities.

#### **4.1.4. The impact of science, technology and the process of international integration**

For Vietnam, a developing country, reforming the national administrative system; national governance reform with the goal of building a digital government, digital administration, digital economy in a digital society; in line with the development trend of humanity is identified as an important, long-term goal with specific roadmaps. In the process of implementing reforms with "constructive government". The State has been changing its functions in line with the market economy and the development of science and technology, international economic integration. It can be said that the opportunities opening up for Vietnamese science and technology in this period are huge. We can quickly and objectively access the world's scientific and technological advances, creating favorable conditions for technology transfer and trading, shortening the gap in science and technology with countries in the region and internationally.

In addition, we also have the opportunity to exploit foreign resources (finance, information, human resources, scientific and technological facilities, etc.) to develop domestic scientific potential and technological innovation; have the opportunity to access a variety of advanced training forms to develop a team of scientists and scientific and technological managers. However, the challenges for Vietnamese science and technology are not small. The effectiveness in Vietnam's socio-economic development is still very limited, the market economic institution is being formed but is still lacking in

methodology. This leads to the fact that the role of science and technology is still being viewed in a formal way. Therefore, it will take us many years to turn science and technology into a vital condition for socio-economic development.

The development of science, technology and the process of international integration are creating changes in thinking and methods of organizing and managing on a social scale (Phuong, 2018). The application of scientific and technological advances in administrative management helps to narrow the spatial distance, shorten time, reduce actual costs and thus directly contribute to improving the efficiency of management and operation activities (for example: applying information technology, applying ISO standards, etc. in state management activities in many different fields at all levels of government). The more the international integration process is accelerated, the more pressure on the modernization of the administrative system, as well as the demand for improving the capacity and qualifications of the staff and civil servants, increases.

#### **Recommendations**

Based on the requirements of state administrative reform, improving state governance capacity to promote socio-economic development and expand cooperation in all areas of state management in the current period; Resolution No. 27-NQ/TW dated November 9, 2022 of the 6th Conference of the 13th Party Central Committee on continuing to build and perfect the socialist rule-of-law state of Vietnam in the new period has identified one of the general goals as: "... modern and effective national governance; meeting the requirements of rapid and sustainable national development, becoming a developed country with high income in the socialist orientation by 2045".

In the past, the over-emphasis on the role of the state in the centralized planning administration, the limitations, inadequacies and confusion in the management and operation of the socialist-oriented market economy have resulted in low efficiency in state management; has not met the objective requirements. To achieve the general goal of national governance to meet the requirements of national development and international integration in the new period, it is necessary to implement well the following solutions:

Firstly, promote innovation in the organization and operation of the Government and local authorities; build a state administration that serves the people, is professional, rule of law, modern, effective and efficient: In particular, it is necessary to continue to innovate the organization and operation of the Government and local authorities in the direction of streamlining, effective and efficient operation; organize ministries, multi-sectoral and multi-disciplinary specialized agencies; reasonably reduce the number of ministries, ministerial-level agencies and specialized agencies under the People's Committees at the provincial and district levels.

Strengthen the role and enhance the responsibility of ministers as members of the Government in macro management and policy making. promote proactiveness, creativity, focus on

macro management, build policies, laws, strategies, planning, plans, inspection and supervision tools, ensure unity, transparency, discipline, order, effectiveness and efficiency of the national administration. Innovate national governance towards modernity, effectiveness and efficiency, focus on development management; ensure respect for the Constitution and the law, enhance transparency, accountability and participation of the people. This is one of the important contents to realize the goal of good state governance.

Secondly, to implement good state governance, it is not only necessary to focus on innovating the organization and operation of the Government and Government agencies but also to innovate the organization and operation of local governments in accordance with each type of urban and rural government; Focus on specific factors of regions, areas, and islands: Promote the arrangement and organization of local governments at all levels in accordance with the criteria prescribed by law for each level and each type of local government (in terms of population, area, mountainous areas, plains, urban areas, and rural areas). Research and establish cities in the 5 centrally-run cities (especially for Hanoi and Ho Chi Minh City). On that basis, build a model of local government governance suitable for each locality, associated with the development requirements of regions and economic zones.

Thirdly, promote scientific and reasonable decentralization and delegation of power, along with enhancing responsibility, ensuring resources and law enforcement capacity for localities and ministries; strengthen inspection and supervision; ensure unified management of the Government, promote the proactive, creative and self-responsible role of each locality and ministry: Clearly define the responsibilities between the Government and ministries; between ministries; between the Government, ministries and local authorities; thoroughly overcome the overlapping of functions, tasks and powers; clearly define the responsibilities between individuals and collectives, promote the role and responsibility of individuals, especially the heads of state administrative agencies.

Fourthly, continue to build an administration that serves the people, is democratic, rule of law, professional, modern, scientific, clean, public, transparent, creating a favorable environment for people and businesses: Continue to promote administrative reform, focusing on improving the quality of cadres, civil servants, and public employees with three main pillars: organizational structure; public service, civil servants; electronic administration and digital transformation. Simplify administrative procedures, cut unnecessary procedures that cause trouble for people and businesses, hinder fair competition; effectively apply online public services; build a digital economy, digital government, digital society. Continue to reform and improve the efficiency of public financial management, quality of public services; rearrange public service units in a streamlined direction, ensuring quality and effective operation.

Fifthly, enhancing people's participation in state governance, preventing and combating corruption and negativity: People's

participation in state governance, preventing and combating corruption and negativity, is related to the implementation of the Grassroots Democracy Charter. That requires adding to the Grassroots Democracy Charter modern principles and criteria on people's participation in national governance, preventing and combating corruption and negativity. People and organizations need to be given full opportunities to participate in policy and law-making activities. This is a condition to ensure democracy in law right from the stage of formulation and promulgation, ensuring standards of publicity and transparency right from the beginning of policy ideas. People's participation in policy and law criticism is also a condition to ensure the balance of interests among members of society, avoiding "interest groups" manipulating and corrupting policies.

Sixthly, research on the governance model in the modern state in the direction of changing the content and form of management activities; ensuring a truly social and broad nature: In which, focus on the participation of people and social organizations in state management and social management activities, diversifying forms of public participation; strengthening the connection between people, businesses, social organizations and state agencies. Implement a multi-level state governance model on the basis of promoting decentralization, delegation, authorization, and delegation of power to lower levels, especially to local authorities. However, the state governance model must strictly comply with legal regulations to eliminate the arbitrariness of management entities with state power. This is a model of modern state governance, good state governance with the current requirement of reducing the role of governance and direct intervention and instead clearly defining the regulatory role of the state; State governance must be carried out on the basis of the rule of law, democracy, ensuring and respecting human rights; governance in the direction of promoting scientific, reasonable and effective multi-level decentralization and delegation of power.

Seventhly, promote investment in upgrading infrastructure and equipment; apply science and technology to management activities; build national data on state governance areas (such as population, land, tax, environment, etc.): At the same time, research on transferring essential areas of social life to non-state sectors; strengthen and expand public-private partnership methods as well as promote socialization of public service provision to attract domestic and foreign social resources and resources. However, it is necessary to clearly define the state's governance role in these areas, so that the provision, access and use of public services are fair, equal, of high quality and effective; ensure good governance, promote rapid, strong and sustainable socio-economic development.

## Conclusion

State governance in Vietnam in recent years has undergone certain changes, in line with the development of science and technology, information technology and globalization trends. In that context, the Vietnamese State always plays an important

role, influencing and dominating all areas of social life; regulating social relations in law enforcement organizations. To implement good state governance, the State needs to promulgate legal policies, ensuring the promotion of people's mastery; performing well the function of leading and regulating in a constructive and developmental state; transferring activities in the state sector to organizations and individuals outside the state sector to participate in implementation (especially in the provision of public services). Based on the evaluation of legal documents, review and assessment of the country's socio-economic situation, analysis and assessment of previous studies, this study points out 04 influencing factors, from which 07 solutions are proposed to improve the process of good state governance in the context of Vietnam. However, due to objective and subjective reasons, this study still has some limitations that need to be further studied in the next phase.

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