

**Олександр Михайлович Непомнящий**

*Кафедра публічного адміністрування  
Міжрегіональна Академія управління персоналом  
Київ, Україна*

**Олександра Анатоліївна Марушева**

*Кафедра публічного адміністрування  
Міжрегіональна Академія управління персоналом  
Київ, Україна*

**Оксана Валеріївна Медведчук**

*Кафедра публічного адміністрування  
Міжрегіональна Академія управління персоналом  
Київ, Україна*

**Ірина Анатоліївна Лагунова**

*Кафедра публічного адміністрування  
Міжрегіональна Академія управління персоналом  
Київ, Україна*

**Денис Васильович Кіслов**

*Кафедра міжнародного права, міжнародних відносин  
та соціально-гуманітарних дисциплін  
Відкритий міжнародний університет розвитку людини «Україна»  
Київ, Україна*

## **ПРОЦЕСИ ДЕЦЕНТРАЛІЗАЦІЇ ТЕРИТОРІАЛЬНОЇ ОРГАНІЗАЦІЇ УРЯДУ: ПРОБЛЕМИ ТА ПЕРСПЕКТИВИ**

**Анотація.** У статті розглядається впровадження процесів децентралізації в національну систему державного управління. В контексті соціально-економічних та політичних проблем в Україні питання забезпечення ефективності регіонального розвитку стають дедалі актуальнішими. Поточна система адміністративно-територіального устрою та ієрархії влади, розподілу повноважень між органами державного управління на національному та регіональному рівнях та органами місцевого самоврядування не змогла забезпечити збалансований розвиток територій. Пріоритетом було забезпечення рівного доступу до соціальних, адміністративних, комунальних та інших послуг для населення як великих міст, так і сільських районів. Важливим аспектом розвитку є питання відповідальності громади за прийняття управлінських рішень. Представництво громади у питаннях територіального розвитку набуває підвищеної актуальності. З метою визначення перспектив подальшого впровадження реформи децентралізації в Україні було проведено ретроспективний аналіз розвитку реформи децентралізації в Україні та системи законодавчого забезпечення функціонування об'єднаних територіальних громад. Таким чином, у статті розглядається нормативна база щодо запровадження системи децентралізації влади в Україні. Визначено певні аспекти, які не були детально розроблені законодавством та перешкоджають подальшому розвитку системи об'єднаних територіальних громад. Аналіз законодавчої бази дозволив визначити основні нормативні документи, що регулюють процеси децентралізації в Україні, окреслити їх роль у розвитку процесів децентралізації та визначити правові межі можливостей та зобов'язань різних рівнів управління, включно з місцевим самоврядуванням та місцевим урядом

**Ключові слова:** державне управління, територіальний розвиток, механізми державного управління, законодавче забезпечення

**Oleksandr M. Nepomnyashchyy**

*Department of Public Administration  
Interregional Academy of Personnel Management  
Kyiv, Ukraine*

**Oleksandra A. Marusheva**

*Department of Public Administration  
Interregional Academy of Personnel Management  
Kyiv, Ukraine*

**Oksana V. Medvedchuk**

*Department of Public Administration  
Interregional Academy of Personnel Management  
Kyiv, Ukraine*

**Iryna A. Lahunova**

*Department of Public Administration  
Interregional Academy of Personnel Management  
Kyiv, Ukraine*

**Denis V. Kislov**

*Department of International Law, International Relations  
and Social Sciences and Humanities  
Open International University of Human Development Ukraine  
Kyiv, Ukraine*

## **PROCESSES OF DECENTRALIZATION OF TERRITORIAL ORGANIZATION OF GOVERNMENT: PROBLEMS AND PROSPECTS**

**Abstract.** *The article considers the implementation of decentralization processes in the national system of public administration. In the context of socio-economic and political problems in Ukraine, the issues of ensuring the effectiveness of regional development are becoming increasingly important. The existing system of administrative-territorial organization and hierarchy of power, distribution of powers between public administration bodies at the national and regional levels and local self-government bodies was not able to ensure balanced development of territories. The priority was to ensure equal access to social, administrative, communal and other services for the population of both large cities and rural areas. An important aspect of development is the issue of community responsibility for management decisions. Representation of the community in matters of territorial development is of increased relevance. A retrospective analysis of the development of decentralization reform in Ukraine and a system of legislative support for the functioning of amalgamated territorial communities were conducted in order to determine the prospects for further implementation of decentralization reform in Ukraine. Thus, the article considers the regulatory framework for the introduction of a system of decentralization of power in Ukraine. Certain aspects have been identified that have not been elaborated by law and hinder the further development of the system of amalgamated territorial communities. The analysis of the legal framework made it possible to identify the main normative documents regulating decentralization processes in Ukraine, outline their role in the development of decentralization processes, and determine the legal limits of capabilities and obligations of different levels of government, including local government and local government*

**Keywords:** *public administration, territorial development, mechanisms of public administration, legislative support*

### **INTRODUCTION**

Ukraine is under reforming the system of public administration. The socio-economic and political crisis was the impetus for the search for new forms of organization of the hierarchy of government from national to regional and local levels. To ensure effective economic and social development, it is important to find managerial mechanisms

for the development and implementation of local development projects, the rational use of the resources and potential of the territories, the identification of priority areas of budget financing, the search for opportunities for the creation of co-financing and investment projects through the establishment of cooperation between the public and private sectors.

Thus, the new challenges and demands of society for the organization of the public administration system increase the relevance of the issue of ensuring the implementation of power mechanisms at the level of regional development. Accumulating the international experience and national realities of the functioning of socio-economic systems, it is appropriate to develop and implement decentralization reform as a mechanism for improving the effectiveness of public administration at the regional level in order to ensure synergy between the initiatives implemented. Decentralization reform aims to ensure sustainable and balanced development by transferring a number of powers, including financial, to local governments.

The issue of government decentralization in the context of transformations of socio-economic macro systems is of high relevance. Therefore, there is a high attention of the authors to this problem, the study of which is approved in scientific periodicals. So, Yu.O. Romanenko and I.V. Chaplay define marketing mechanisms of public administration systems and their peculiarities in the conditions of decentralization processes: authority, opportunities and development tasks [1]. M. Holovaty in his studies paid attention to the issues of multiculturalism, which can actively develop in the context of decentralization, taking into account the multinational nature of Ukraine in order to represent the interests and ensure the harmonious coexistence of national minorities within the unitary state [2]. V.Yu. Shvets, E.V. Rozdobudko, G.V. Solomina investigated the issue of efficiency of investment activities in the conditions of decentralization as the basis of social, economic and environmental development of territories [3]. A number of authors (A.V. Iatsyshyn, V.O. Kovach, Yu.O. Romanenko, I.I. Deinega, O.O. Popov, S.H. Lytvynova) determined the possibilities of using virtual technologies to ensure the development of territories in a decentralized environment [4]. T. Dobina, K. Haidukevych, S. Panchenko, I. Petrova, J. Sabadash defined certain aspects of management at the microeconomic level in the context of decentralization processes as a factor in the development of entrepreneurship [5]. A.V. Iatsyshyn, V.O. Kovach, Yu.O. Romanenko, determined the possibilities of using cloud services to train specialists in the development of territories, which is especially relevant in the conditions of the delegation of a number of managerial authority to the field [6]. The cluster model of economics as the basis of decentralization processes is considered in the works of O. Bakulina, I. Lehan, I. Bakhov [7], O. Nepomnyashchyy [8], O. Nepomnyashchyy [9], O. Nepomnyashchyy [10], T.V. Sych, V.O. Boniak, V.V. Dokuchaieva, Ye.M. Khrykov, N.S. Vasynova [11], Y.O. Romanenko [12], A.P. Lelechenko, O.A. Diegtiar, O.Y. Lebedinska, T.M. Derun, O.V. Berdanova [13], O.A. Diegtiar [14], S.H. Kuzmenko, T.V. Filipenko, A.A. Ryabev, M.V. Tonkoshkur, T.V. Shtal [15], V.V. Zablotskyi, O.Y. Palant, O.A. Diegtiar, T.V. Bielska, A.V. Rusnak [16], N. Orlova, I. Mokhova, O. Diegtiar, O. Khomutenko [17], S. Ignatyevs, O.A. Diegtiar, K.V. Osypenko, V.Y. Omelchenko, A.V. Cherkasov [18], N.S. Orlova, O.V. Kozureva,

O.A. Diegtiar, A.M. Shapovalova, S.I. Prykazka [19]. However, in the context of transformative socio-economic and public development processes, decentralization issues require an integrated approach to their definition, analysis and proposals to improve their implementation.

## 1. MATERIALS AND METHODS

The purpose of the article is to determine the prospects for the development of processes of government decentralization in order to improve the effectiveness of public administration at the national and regional levels. According to the intended purpose of the article, the following tasks are defined and solved: to analyse the retrospective of the development of decentralization reform in Ukraine; to review the system of legislative support for the development of the amalgamated territorial communities; to identify prospects for further implementation of decentralization reform in Ukraine.

The subject of the research in the article is regions and local communities – associations of administrative-territorial units aimed at obtaining large financial and administrative powers by the newly created groups by transferring these powers from the central authorities. The main hypothesis of the article is the assumption that local authorities and communities, understanding the problems of developing their own territories from the inside, can ensure a more efficient use of financial resources to ensure the social and economic development of the territory. The system of management of the group also helps to determine the most pressing issues of development and make decisions not only at the administrative level, but through the transfer of responsibility for the results of the implementation of this decision to each local resident of a particular group. Such a system will increase the efficiency of management of territories, their financial resources, introduce the most urgent development projects in order to increase the efficiency and effectiveness of the regional management system in Ukraine.

The development of this theory can be confirmed by analyzing the statistical information presented in the article through the accumulation of statistical data from public organizations that deal with the development of regions and local communities. These statistics confirm the effectiveness of the decentralization reform, which is associated with a significant number of successful projects implemented at the initiative of the residents of the territory. The implementation algorithm is as follows: defining the problem of the territory, discussing the prospects for solving this problem with the community, finding the best option, finding financial resources for the implementation of the project by co-financing or allocating funds from the community's budget, analyzing the results and prospects. The implementation of such a concept was recognized by the EU countries, and the decentralization reform was identified as the most successful reform in Ukraine after 2014. Therefore, it is advisable to analyze this hypothesis and confirm or refute the effectiveness of decentralization processes by analyzing its results.

## 2. RESULTS AND DISCUSSION

In the context of the socio-economic and political crisis, ensuring the implementation of effective regional policies is an important factor in the country's development. In 2014, Ukraine initiated a government decentralization reform, which included the delegation of a number of managerial authority from central authorities to regions and local communities in order to ensure transparency and effective use of funding for economic and social development projects, determine priorities for this development and provide a monitoring and control function by activating the local community. The imbalance in the socio-economic development of the territories and political factors caused the intensification of separatism processes, which led to negative consequences. European practice is to ensure the accessibility of health, education and other social services to the population of both urban and rural areas in equal opportunities and of equal quality. In Ukraine, despite the equality in the payment of taxes, administrative services and other payments, which is the source of the state budget, the population of cities and rural areas has different opportunities for access to quality medicine, education, transport, administrative and public services, social services, etc.

Only the transfer of a number of managerial authority, from central authorities to local communities, which should take responsibility for their own development, including in the area of financing, can make a difference. The essence of decentralization reform, first of all, is the transfer of responsibility to communities for their own future, increasing the importance of the active civic position of each local resident and local government. Thus, the key aspects of process decentralization are [1]: expanding the powers of local self-government bodies, primarily financial ones; financing of local self-government bodies for the implementation of local development projects should be sufficient for the exercise of the authority entrusted by the state to local self-government bodies within the decentralization processes; activation of the local population for the realization of their rights and the development of the local community; determining not only the sphere of influence,

but also the responsibility of local self-government bodies and local communities to ensure the economic and social development of the territory.

To implement this concept, in 2014 was initiated a government decentralization reform – bringing authority directly to the local population through the establishment of amalgamated territorial communities, transferring a number of managerial authority from central authorities [2-3]. The main regulatory documents governing decentralization processes in Ukraine are as follows: European Charter of Local Self-Government<sup>1</sup>; Concept of local self-government reorganization and territorial organization of power<sup>2</sup>; Action plan for its implementation of the Concept of local self-government reorganization and territorial organization of power Ukraine<sup>3</sup>; Law of Ukraine “On Voluntary Association of Territorial Communities”<sup>4</sup>; Law of Ukraine “On Cooperation of Territorial Communities”<sup>5</sup>; Law of Ukraine “On the Principles of State Regional Policy”<sup>6</sup>; Set of regulatory documents aimed at expanding the powers of local self-government bodies in Ukraine. To implement the fundamentals of decentralization processes fully, as they are represented in the practice of the countries of the European Union, it is necessary to amend the Constitution of Ukraine, the Budgetary and Tax Codes of Ukraine.

In particular, the following issues remain unresolved at the legislative level [4-5]: mechanisms for the establishment and functioning of executive bodies of councils at different levels should be justified by law; to delineate responsibility between the executive bodies of the amalgamated territorial communities and local state administrations in order to avoid processes of duplication of functions or lack of responsibility; to entrench constitutionally the concept of a “amalgamated territorial community” as an administrative territorial unit in Ukraine; to identify mechanisms for the practical implementation of financial decentralization in Ukraine. We will analyze the changes that have been made through the adoption or introduction of amendments and additions to the legal documents regulating the processes of government decentralization in Ukraine (Table 1).

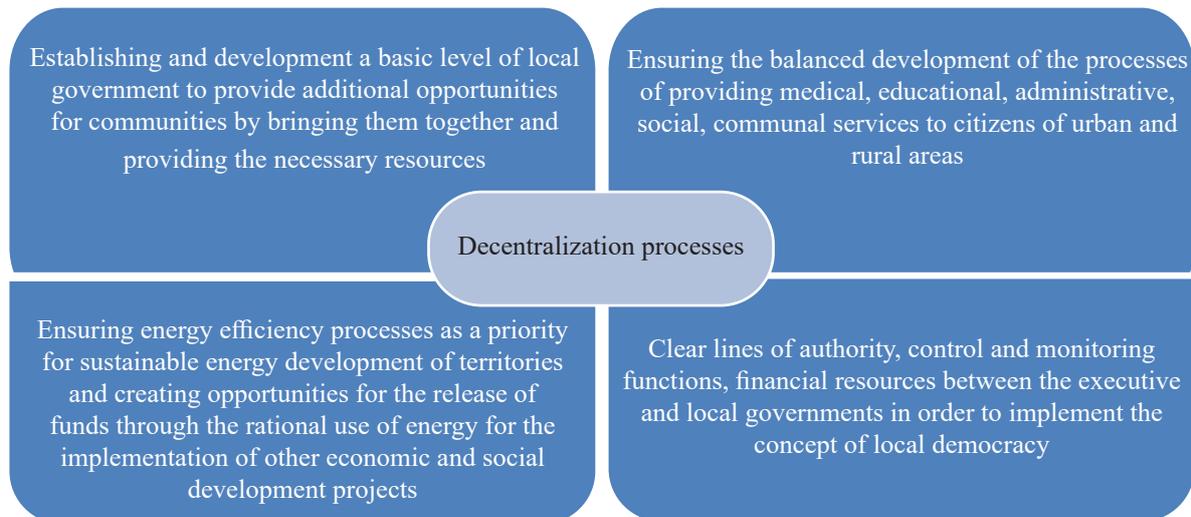
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**Table 1.** Analysis of legislative support for decentralization processes

Document title	Changes in public administration at the regional level	Statistical data
Changes in budget and tax legislation	Financial decentralization, which contributed to the growth of local community budgets	Growth of incomes of local budgets to 165.4 billion UAH since 2014
The Law on Voluntary Association of Communities [11]	Administrative-territorial division, the creation of the institute of headmen as an element of a hierarchical management system in local self-government bodies	878 amalgamated territorial communities were created, bringing together 9 million people
The Law on Cooperation of Territorial Communities [12]	Development of cooperation mechanisms in those issues that are common: waste disposal and transportation, transport, communications, connection, infrastructure development, joint farming, etc.	325 cooperation agreements signed and are implemented
The Law on the Fundamentals of State Regional Policy	State policy is aimed at the implementation of regional development projects, financial and administrative support for ATC	More than 10 thousand regional development projects are implemented with state support

Thus, the development of the legislative framework to ensure the implementation of the mechanisms of decentralization processes has provided the following advantages: regulation of administrative, managerial and financial decentralization processes; intensification of social activity of the community population; financing of regional and local

development projects; ensuring community cooperation within the limits of their authority to implement joint economic and social development projects. Among the main tasks of the reform of government decentralization in Ukraine, the following were identified (Figure 1) [6-7].



**Figure 1.** Task of decentralization reform in Ukraine

The implementation of the tasks of the decentralization reform in Ukraine determines the possible future prospects for the development of this reform. An important element in ensuring effective decentralization is the introduction of amendments and additions to legal documents that will allow to develop the achievements of decentralization reform, namely: the constitutional definition of the concept of government decentralization and the concept of communities, the definition of their authority and responsibilities; amending the documents regulating the administrative and territorial structure in Ukraine by defining the community as a separate administrative territorial unit with its rights and responsibilities; demarcation of powers of authorities

of different levels: national, regional, local, definition of authority of executive authorities and local self-government bodies; automation of the system of state monitoring and the register of new administrative territorial units, monitoring of the main indicators of their economic and social development; ensuring the intended use of land within the decentralization reform by defining this process in the provisions of the Law of Ukraine "On regulation of city-building activity in Ukraine"; providing a personnel reserve for community development by developing a concept of training specialists for the development of the amalgamated territorial communities, specialists in local self-government, involving community activists in local

self-development and training to ensure the personnel potential of ATC, motivating officials and representatives of local self-government bodies to work effectively, determination of the electoral legislation at the level of the amalgamated territorial communities: preparatory procedures and the electoral process itself, referendums; legislative delineation of authority between administrative and local self-government bodies.

## CONCLUSIONS

The article identifies problematic aspects and unresolved issues of legislative support for the decentralization reform, as well as outlines the prospects for the development of decentralization processes in the context of transformations of the state system in Ukraine. It is determined that the processes of decentralization of power are aimed not only at financial support of local initiatives and projects, but, first of all, at forming a system of responsibility of communities for ensuring their own socio-economic development. The processes of government decentralization in Ukraine, which

began as a result of the need for balanced development of the territories, have significant prospects as a mechanism for effective regional governance.

Accumulating the best European practices of organizing the local self-government system, Ukraine launched a decentralization reform in 2014, which included the delegation of a number of managerial authority from central authorities to local communities. In addition to direct authority, the reform included increasing the responsibility of local communities to ensure their own economic and social development. Such changes provided for amendments to the Constitution of Ukraine and other regulatory legal acts regulating the functioning of local self-government bodies and territorial development. Providing a legislative framework for the conditions for decentralization is the basis for its effective implementation. Thus, proposals have been developed on the need for introduction of amendments and additions to the domestic legislative system in order to legal support the introduction of decentralization reform at the level of the amalgamated territorial communities.

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**Oleksandr M. Nepomnyashchyy**

Full Doctor in Public Administration, Professor  
 Department of Public Administration  
 Interregional Academy of Personnel Management  
 03039, 2 Frometivska Str., Kyiv, Ukraine

**Oleksandra A. Marusheva**

PhD in Law, Associate Professor  
 Department of Public Administration  
 Interregional Academy of Personnel Management  
 03039, 2 Frometivska Str., Kyiv, Ukraine

**Oksana V. Medvedchuk**

PhD in Public Administration, Associate Professor  
 Department of Public Administration  
 Interregional Academy of Personnel Management  
 03039, 2 Frometivska Str., Kyiv, Ukraine

**Iryna A. Lahunova**

PhD in Public Administration, Associate Professor  
 Department of Public Administration  
 Interregional Academy of Personnel Management  
 03039, 2 Frometivska Str., Kyiv, Ukraine

**Denis V. Kislov**

Full Doctor in Public Administration, Associate Professor  
 Head of the Department of International Law, International Relations  
 and Social Sciences and Humanities  
 Open International University of Human Development Ukraine  
 03115, 23 Lvivska Str., Kyiv, Ukraine

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