

Book Review

Ioan Alexandru. (2017). De La Dreptul Administrativ National la Dreptul Administrativ Global/From National Administrative Law to Global Administrative Law, the Publishing House of the Romanian Academy, 233 Pages, ISBN 978-973-27-2813-0

Ionuț - Bogdan Berceanu¹

Ioan Alexandru is emeritus professor of Administrative Law and European Administrative Law at the National University of Political Studies and Public Administration, Faculty of Public Administration from Bucharest, the founder of the school who form specialist in public administration and a public law scholar with a particular expertise in the Administrative law of the European administrative. He is also one of the first academics who acted and introduced in the Romanian university curricula the administrative sciences – which provide an interdisciplinary approach on the public administration, underlining that for an exhaustive understating of the administrative system, students and researchers must go further the classical juridical view on the public administration and to analyze the system in an interdisciplinary perspective, taking into consideration other sciences like public management, economy or sociology.

The book reviewed in this paper “De la dreptul administrativ national la dreptul administrativ global/From National administrative law to global administrative law” represents a first edition and it is published in 2017 in the Romanian language, with an extensive preface in English and in French.

This book offers an important contribution on the interdisciplinary approach of the public administration, by providing an analysis on the evolution of the public law and on the administrative as part of the public law, in the European and global context from nowadays. This work addresses not only to professors and students,

¹ Assistant Professor, PhD, National University of Political Studies and Public Administration, Faculty of Public Administration, Bucharest, Romania, Tel.: +4021.318.08.97, Fax: +4021.312.25.35, Corresponding author: bogdan.berceanu@administratiepublica.eu.

specialists and practitioners in the area of public and administrative law, but also to persons or researchers from other areas of interests, who want to have an understanding about the evolution of the public law system, and the way in which it is changing and adapting, today, in a globalized society.

This work is structured in two main parts. These two parts correspond to the themes of which the author considers to be the main steps of evolution of the administrative law from a national to a global one. Each of the two parts of the work is divided in five chapters, each of them explaining a specific area of the research subject.

In the first part – “The genesis and the evolutions of law concepts” it is analyzed from an interdisciplinary perspective for the creation and the evolution of law. The interdisciplinary approach can be observed in presentations of the evolution regarding the concept of law, starting from the philosophical schools, making an historical overview from the Antiquity and going to the approach of the modern society. An important observation made by the author is that the law order is the result of the society and how it understands to accept law order. In the regard, there are presented to main ways of collaboration between the society and the law regulations: the necessary collaboration and voluntary collaboration. For the first type of collaboration, in order to not be transformed in the supremacy of a subject to another, only the laws are those who can assume the coordination of all the subjects. Those who will not respect the laws will come under the corrective public force. Regarding the second type of collaboration, the author observes that it is determinate by the necessities of life and that instead of the corrective public force we have the initiative and the power of action of the individual. In this way by ensuring the cooperation, it is created also the legal order needed to function which is under the mutual control of all the individuals. All these observations are completed by the thoughts on the evolutions and genesis of law. The main currents explained are the positivism, the rationalism and the theory of the natural law. Here, it has to be underlined that by explaining the main philosophical thinking, the author is giving to the reader the arguments to understand which are the foundations of the modern law and he is also creating the bases for the second part of the book, in which is going from the general perspective regarding the law to a particular one – the administrative law.

The second part of the book – “The emergence and evolution of the administrative law” is explaining the relation between the public administration and the administrative law, arguing that the public administration has a special role in the

society because it is part of the executive power and it has to ensure the implementation of laws and the satisfaction of the general needs. The author underline, that because of these important tasks, the all activity of the public administration it is subordinated the legality principle and thus, to the administrative law norms. Here the author is completing the statements, with an explanation of the concepts of administrative law and the administration law. The last one implies an interpretation of norms, rules, principles, procedures from different areas of law and also form other different sciences such as sociology, economy and politics.

This part of the book has also included a chapter where it is explained using the comparative research method the emergence and evolution of the law in some European Union member states, such as: France, England, Germany, Italy, Greece, Spain, Belgium. By making this comparison, prof. Alexandru is explaining the historical steps and facts which influenced the administrative systems of the mentioned countries. The comparison has relevance for the understanding of the environment which influenced the emergence and evolution of the Romanian administrative system.

The chapter five of the second part discuss the how is done the transition from national administrative law to global administrative law. The author see this process form a *bottom-up perspective*, and it is starting with the presentation of the issues Romania had to solve for the European integration. The perspective is strengthened by the answer given to the rhetoric question “how could it be possible to move from the national administrative law to the global administrative law?”. The answer given by the writer is that one important step could be the creation of European administrative law or the European Union administrative law. This issue it is dating since the emergence of the European Communities, when various scholars where asking if there is a new administration. Also the European Union, underlines the author, it is a *sui generis* structures situated between an international organization and a federal state. The European juridical order is autonomous which completed the national and international legal systems. Regarding from this perspective, the European Union could be considered a global actor, which by all its instruments, institutions and legislation is part of the globalization process which influence the international society. Here, the role played by the international organization in the emergence of the global administrative law should be taken into consideration. The scholar, is arguing that in the last years are more used the words *global administration* and *European global space*. This evolution has as consequence the globalization impact and it can be observed in the introduction in the actions of the

main international organizations of some functions such as: the control, standardization and regulation function, because they can be better fulfilled at the global level than at the national level.

An important fact underlined, as a conclusion by the author, is that the emergence of the global administrative law is in relation with the evolution of the international administrative law and administrative international law. The international administrative law is detaching from the international public law and is part of the law of the international organizations. The administrative international law was integrated in the national administrative juridical orders, because it has as object the study of foreign elements. As stated, the global administrative law is in relation and influenced by the international public law but it has some particularities which are considering that the global administrative law is following the political and conceptual premises of the globalization and of the world governance.

The book "From National administrative law to global administrative law" offers a concise and relevant documentation material for academia and students, specialists and to all interested by the Administrative law and who wants to become acquainted with the current reality and perspectives on the globalization issue and its consequences on the juridical and administrative systems of the states.