

Academic book presentation:

Ioan Alexandru - From National Administrative Law to Global Administrative Law, Romanian Academy Publishing House, 2017

Emil BALAN

The paper represents a critical reflection on the emergence and evolution of Romanian administrative law in a European and global context. We are facing a work of high density of ideas, a result of the analysis carried out by an academic that has devoted much of its activity to the research of the phenomena of administration, from a juridical and interdisciplinary perspective, and which, in order to extend the framework of the analysis, escapes into the perimeter of political power.

The formal, standardized activities of the administration imply a substantial understanding of the applicable rules of law in connection with the national legal universe, but also with the law of other states, and in the context of the specific culture, history, traditions etc.

True to the conception that legal theories are not limited to formal-legal particularities or abstract concepts, but are part of the legal culture of a country, the author conceives his speech in a broader perspective, combining the fine analysis of the social analyst with the aspects of order legal. The critical, clairvoyant, careful observation accompanies the assertions given by the analysis undertaken.

The genesis and evolution of the concepts of law - the first part of the paper - gives the author the opportunity to assert

that “the origin of law is as old as man and groups of people. In relation to individual freedom and in the context of ensuring social cohabitation, the author perceives that “where a right is recognized, the freedom of the individual is already constrained in some form, depending on the nature of the interest of the group to which it belongs.

Turning to matters of legal philosophy, Prof. Ioan Alexandru devotes a consistent study of the relationship between law and morality, stating that “morality exists before any conscience and reasoning, having its foundation in the eternity of the creator of this world, in the immortality of our soul.

At the end of the analysis of the genesis of law, the author focuses his attention on the currents of thought that marked his evolution, making an incurs in the history of major law schools.

Thus, the structure of the work follows the evolutionary thread of the legal tradition that is born in the theory of natural law, it develops predominantly in positivism and is influenced by rationalism, now seeming to return to the origins. Starting from the theory of jusnaturalism that affirms the existence of a universal, perpetual and immutable natural right, as well as the idea of the inalienable rights of the person, in the nineteenth century, by

opposition, the positivist theory became popular. The positivist schools advocates claim the existence of a single positive right, created by people and implicitly subjected to social phenomena, expressed in the normative framework. The comparative approach of these theories is rich in results and interpretations, helping to better understand the evolution of the law.

The second part of the work is reserved for the emergence and evolution of administrative law and necessarily devotes pages consistent with the public administration, seen by the author as part of the executive power exercising public power within the limits and specific general framework, determined by law.

The complex approach of the public administration processes, which involves the merging of the juridical aspects with the ethical, economic, managerial ones, allows presenting new concepts such as the good administration.

The administrative behavior is not limited to acting legally, in accordance with the prescriptions of the law - although this is a necessary prerequisite - but presupposes a holistic approach to the problem, which transcends that of justice, generally focused on the lawfulness of action. The administrative behavior is not limited to acting legally, in accordance with the prescriptions of the law - although this is a necessary prerequisite - but presupposes a holistic approach to the problem, which transcends that of justice, generally focused on the lawfulness of action.

Increasing citizens' trust in public administration and strengthening the belief that it is at their service, claim closeness between partners, removing barriers of any nature, and mismanagement practices, and aligning the administration to good administration standards.

But, as the author notes on the basis of the empirical study on the practice of state

authorities and services, often between the demands of efficient management and legal restrictions, "harmonization is difficult, with the rupture always remaining possible".

An important place in the work is devoted to the emergence and consolidation of administrative law in our country, with the necessary emphasis on the distinction between Administrative Law and the Law of Administration.

It emphasizes the influence of foreign administrative law on the national one, especially the French administrative law, but also the influence determined by the constant increase of the state attributions, especially through its intervention in the economy and the development of the public-private partnership in the operation of the public services.

Continuing the scientific research period of the evolution of administrative law, the author touches the issue of European integration, stating that in this process it is efficient to make a difference between what is the national administrative law and the European and European law. As the author notes, "the Europeanization of administrative law is based on a circular process, in which not only the Member States are inspired by Community law, but, more often than not, vice versa.

From this, the author concludes that "globalization is inevitable, the first stage being - in its opinion (s.n.) - the creation of European or European Union administrative law closely linked to the concept of European administration.

The discourse of the national doctrine on legislative harmonization is contradictory. On the one hand, there is identified a sustained assumption of the Romanian legal tradition in the name of the preservation of the national identity, and on the other, there is an adherence of a good part of the juridical elite to the Western European traditions, corresponding to the modernization needs.

The current position of national administrative law in the European Union - is the author - is that of integrating into a global system of tasks, as long as it does not operate the exclusive competence of states but acts the principle of subsidiarity, being witnesses to the development of the concept of, , an open constitutional state.

Inevitably, globalization generates not only harmony, but also many tensions between national and global / universal, putting issues of complementarity, but also compatibility, and highlighting some resistance that is trying to counterbalance this phenomenon. This research highlights international concerns in legal matters, distinguishing between an international administrative law and a global administrative law.

The work succeeds in rendering a realistic and meaningful image of the current situation of Romanian administrative law, surprising the tensions, oscillations, decreases and pluses that only a careful and well-informed researcher could observe.

We are in front of a useful, dense, and at the same time provocative approach to those interested in the complex study of administrative law in the context of the author's generous invitation to debate the nature of administrative law in all its dimensions.

ABOUT THE AUTHOR

Emil Balan, University Professor PhD and Vice-Rector at the National School of Political Studies and Public Administration, Bucharest, Romania. Professor Balan is the President of the Romanian Academic Society of Administrative Sciences.

Email: emil_balan2005@yahoo.fr