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## DEVIATNIKOVAITĚ, IEVA (ED.): COMPARATIVE ADMINISTRATIVE LAW. PERSPECTIVES FROM CENTRAL AND EASTERN EUROPE. ROUTLEDGE, 2024 / Jakub Handrlica

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*Comparative Administrative Law* was published in early 2024 by the British publishing house Routledge. As the title of the book correctly reveals, it aims to provide a comparative outline of administrative law as existing in seven jurisdictions of Central and Eastern Europe. At the same time, the book aims to fill the gap existing in English-written literature on administrative law in Central and Eastern Europe (at p. xviii). The respective chapters, analysing administrative law in selected states of this region, have been authored mainly by academicians teaching and researching public law in each of the respective jurisdictions. The book was edited by Ieva Deviatnikovaitė, who is a Full Professor of Administrative Law at the Mykolas Romeris University in Vilnius. She also authored both the introductory part (pp. xvii-xix) and the final part (pp. 225-239), entitled comparative remarks.

The subtitle of the book is *Perspectives from Central and Eastern Europe*. The book outlines the legal frameworks of the Czech Republic, Hungary, Latvia, Lithuania, Poland, the Slovak Republic, and Ukraine. The reasons for selecting these seven particular jurisdictions are only very briefly outlined in the Introduction. The fact is that while six of the reviewed jurisdictions have been part of the European Union for twenty years, Ukraine hasn't acceded to the Union yet. This represents a particular challenge for any comparison among the chosen legal orders. At the same time, one may also ask why some other jurisdictions have been omitted – this question particularly concerns Slovenia and Croatia.

From a systematic perspective, a comparison among seven jurisdictions requires analysing the same features in each of them. Each of the chapters, outlining the system of administrative law in the seven states, aims to analyse the same issues arising

in the respective jurisdiction: the concept of administrative law, the organisation of public administration, the actions of public administration (administrative acts), the system of judicial review, and the issue of liability of the public administration. Although the publication language is English, which represents a *lingua franca* of today's science, the authors also add translation of key legal instruments into their own language. This will certainly enable much easier understanding of the text, as the terms in English are not always able to delimit the respective instruments of the domestic legislation in a clear way. At the same time, each chapter contains a brief overview of the existing literature on administrative law from the respective jurisdiction.

In this respect, it also must be noted that the authors of respective chapters also used certain scope of discretion when writing their pieces. For example, while the chapters on administrative law in the Czech Republic, Hungary, Latvia, Lithuania and in the Slovak Republic contain only a very brief part on the EU dimension of administrative law, the chapter on administrative law in Poland addresses this issue in considerably bigger detail (at pp. 160-163). Several other discrepancies in the concepts of respective chapters can also be mentioned. For example, while the chapters on administrative law in Latvia (at pp. 84-85), in the Slovak Republic (at pp. 186-187) and in Ukraine (at pp. 210-211) also contain a part on procedural aspects of judicial review, and the other do not provide for a special outline of this issue. At the same time, the terminology used by the respective chapter also varies. For example, while the chapter on the Czech Republic and on Hungary refers to "administrative liability" (at pp. 30-31 and 62-63), the chapters on Latvia and Lithuania refer to the "liability in administrative law" (see pp. 89-90 and pp. 125-127). The fact is that the authors of the respective chapters haven't explained these terminological differences. These discrepancies among the respective chapters are understandable, given the rather wide variety of contributing authors. At the same time, these differences in approach represent certain weakness in the structure of the whole book.

The book is concluded by a chapter (pp. 225-239), written by the editor (together with Simona Bareikytė). This chapter outlines specific comparative observations concerning the key issues, as addressed by respective chapters on national jurisdictions, in particular, to the problem of public service, judicial review, and administrative liability.

Having outlined the content of the newly published book briefly, I would like to add several more theoretical comments to the overall concept of the reviewed book:

Firstly, the reviewed book is, in principle, based on a *historical approach*. The concept of the existing administrative law in respective jurisdictions is almost exclusively explained on the basis of the literature of the past. This very historical approach is relieved already in the introduction to the book, which argues (at p. xviii) that the term "administrative law" was used for the first time by the Polish lawyer A. Okolski in his book *Interpretation of Administrative Law in the Kingdom of Poland* (1880). Irrespective of whether this argument is correct or not, the concept of administrative law is explained in terms of ideas that were developed in the past rather than in terms of analysing recent problems. Thus, while the reader of the respective chapters gains a relatively comprehensive overview of the literature of the interwar period, only minimal information on the ongoing discussions in the recent literature is presented. This approach quite naturally opens the question to which extent the challenges and realities of the recent administrative law can be shaped by those who authored their works several decades ago.

Secondly, the rigid historical perspective of the book implies that more attention should be paid to those features in administrative law which lie beyond the very traditional schemes. Consequently, challenges for administrative law arising from the COVID-19

pandemic, digitalisation, and deployment of artificial intelligence have been almost totally neglected in the respective chapters. Although the book aimed to fulfil the absence of English-written literature on administrative law in Central and Eastern Europe, it outlines in principle how this field of law was perceived in the past. Consequently, the book outlines administrative law as a *static* discipline rather than analysing the *dynamic* nature of this branch of law. Having said this, I don't want to argue against paying respect to history. The contemporary scholarship in administrative law in Western Europe (see e.g. Della Cananea, 2023) also pays attention to historical roots. However, at the same time, the same amount of attention is being paid to the present and to the future. The fact is that this perspective is absent in the reviewed book.

My third comment concerns the approach to EU law. The general concept of the reviewed book is based on the idea that various systems of "domestic administrative law" are present in the respective jurisdiction. These systems are being "significantly influenced" by EU law (see for example p. 238). With respect to those jurisdictions which became part of the European Union two decades ago, one has to seriously ask whether this approach to administrative law is still appropriate. The fact is, that this concept totally neglects the existence of a robust framework, which has been described as the Union of Composite Administration (*Verwaltungsverbund*) by the scholars of administrative law in Western Europe for several decades (see, e.g., Kohtamäki, 2021; Jansen and Schöndorf-Haubold, 2011; Hofmann, 2009). Consequently, while the respective chapters address the question of the organisation of domestic administration, no attention has been paid to the mere existence of the European Commission and the agencies of the EU and to the mutual interactions with the administration in the member states of the EU. Also, while the authors of the respective chapters pay considerable attention to the feature of administrative act, they do not address the qualification of administrative measures, as realised by the EU administration. Neither the phenomenon of mutual recognition of administrative acts is addressed in the book (see De Lucia, 2016).

Although the reviewed book fails to address these questions, it also represents a good opportunity to open the discussion on the concept of administrative law in Central and Eastern Europe. This is the main contribution of the reviewed book to our scholarship.

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