

# Global Administrative Space: Redefining Boundaries in Governance and Law

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## Abstract

*This paper explores the concept of the Global Administrative Space (GAS) as an integral element of Global Administrative Law, a framework that emerges from the need to address the complexities of governance in an increasingly interconnected and globalized world. The research examines how GAS redefines traditional boundaries between national and international legal orders, dissolves distinctions between public and private regulatory functions, and accommodates the diverse, fragmented, and polycentric nature of global governance. Through a comparative legal approach, the study evaluates the structural evolution of GAS, contrasting it with European Administrative Space and traditional administrative law models. The findings contribute to doctrinal developments in administrative law and emphasize some key characteristics of GAS and offer an original definition for Global Administrative Space.*

**Keywords:** global administrative space, global administrative law, global governance, global law, European administrative space, transnational regulation.

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## 1. Introduction

Although Global Administrative Law (GAL) has been extensively debated in legal scholarship, the concept of Global Administrative Space (GAS) remains underexplored. Most doctrinal approaches focus on sector-specific global regulations without conceptualizing GAS as a legal space. Unlike previous studies, this research adopts a pluralistic approach to define GAS systematically and identify its core characteristics.

This study provides a structured framework for understanding GAS within the broader context of global governance. By comparing GAS with regional and national models, it highlights key legal challenges, including fragmentation and legal pluralism.

The paper is structured to first establish the conceptual foundations of GAS,

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followed by an analysis of its defining characteristics, a comparative examination of administrative models, an exploration of legal implications, and a proposed definition. The primary objective is to conceptualize GAS by analyzing its characteristics, structure, and relevance, emphasizing its evolution in response to globalization and its interplay with national and international legal frameworks. With these objectives in mind, we delve into the defining characteristics of Global Administrative Space, highlighting its impact on global governance and administrative law.

As postulated in legal theory, “the territory determines the scope of the state's authority; it delineates the power to command”<sup>2</sup>. In the classical conception of administrative law, any domain beyond the sovereign state lay outside its purview, with the state alone deemed competent to administer and legislate through administrative norms. Beyond the state's borders lay the sphere of intergovernmental relations, concerned primarily with coordinating national interests. However, the onset of globalization and the rise of global governance have profoundly reshaped these traditional views of both administrative law and public international law. A principal contribution of Global Administrative Law is the introduction of administrative rationality into the realm of traditional international public law. This development permits the examination of international public law and global governance through the lens of administrative law, thereby establishing GAL as the “administrative law of global governance.”

## 2. From European to Global

The notion of *administrative space* is well-established in legal science, both within the field of administrative law and as the concept of the *European administrative space*. Although distinct, these concepts are inherently territorial, much like administrative law itself, representing a spatial projection of the extent of the (supra)national administrative regime.

The principle that national administrative law is tied to the national administrative space — that is, the sovereign nation-state, as a means to regulate bureaucratic power — constitutes the foundational model of administrative law.<sup>3</sup>

Some authors argue<sup>4</sup> there are different administrative spaces, some of which, being transnational and corresponding to the administrative spaces of international political and economic organizations, are purely functional and overlap with national administrations.

In legal literature, the concepts of *international* and *transnational administrative spaces*<sup>5</sup> are relatively recent developments within the fields of public administration and

<sup>2</sup> Negru, Boris, and Alina Negru. “Teritoriul și spațialitatea juridică a statului (II).” *Administrarea Publică*, no. 2 (2017): 44.

<sup>3</sup> Kuo, Ming-Sung. “Law–Space Nexus, Global Governance, and Global Administrative Law”, in Diane Stone, and Kim Moloney (eds), *The Oxford Handbook of Global Policy and Transnational Administration*, Oxford Handbooks (2019): 329, <https://doi.org/10.1093/oxfordhb/9780198758648.013.9>.

<sup>4</sup> See: Maurel, Raphaël. *Les sources du droit administratif global*. LexisNexis, 2021, 544.

<sup>5</sup> See: Avbelj, Matej. “Transnational Law between Modernity and Post-Modernity.” *Transnational Legal Theory* 7, no. 3 (2006): 421-22. <https://doi.org/10.1080/20414005.2016.1275559>.

international relations. They were first systematically addressed in the context of research on European integration.<sup>6</sup>

When discussing the transnational (administrative) space, it is essential to also consider the *European administrative space (EAS)*, a somewhat ambiguous concept that, as noted, “sparks intense debates in scientific and politico-administrative circles”<sup>7</sup>.

In the initial wave of research on the European administrative space emergence it was thought to be a cross-national convergence of national administrations toward a “common European model”, where public administration is structured and managed according to European principles, rules, and regulations uniformly applied across territories.

It has been noted<sup>8</sup> that, over time, there is a discernible trend toward the emergence of a “common administrative order” within the evolution of the EAS.

In Johan Olsen's classical approach, the European administrative space is understood “as convergence on a common European model”<sup>9</sup> or, in other words, a harmonization of national administrative legal frameworks and the administrative practices of member states.

At the same time, “the main elements of convergence relate to decentralization, through the transfer of responsibilities to local governance structures, the strengthening of local political governance institutions by increasing the political accountability of leaders and enhancing citizens' rights to participate in decision-making processes”<sup>10</sup>.

Simultaneously, Olsen points out that the harmonization of administrative law in the Union has been driven by judges and lawyers through European Court of Justice case law, legislation, and voluntary adaptations.<sup>11</sup>

According to Cătălin-Silviu Săraru, “the European Administrative Space can be understood broadly as a space of European public administration”<sup>12</sup>. Similarly, from an administrative perspective, European administrative space is seen as “the normative and institutional framework based on which the public administration at the European Union level is organized and functions”<sup>13</sup> or “a space of interaction for the creation and

<sup>6</sup> Saerbeck, Barbara, et al. “The Administrative Embeddedness of International Environmental Secretariats: Toward a Global Administrative Space?” Chapter. In *International Public Administrations in Environmental Governance: The Role of Autonomy, Agency, and the Quest for Attention*, edited by Helge Jörgens, Nina Kolleck, and Mareike Well, 201–27. Cambridge: Cambridge University Press, 2024, 203. <https://doi.org/10.1017/9781009383486.009>.

<sup>7</sup> Moșneaga, Valeriu, Ruslan Tanasă, and Serghei Palihovici. “Spațiul administrativ european: esența și formele de manifestare.” *Moldoscopia* 3 (2007): 13.

<sup>8</sup> Joosen, Rik, and Gijs Jan Brandsma. “Transnational Executive Bodies: EU Policy Implementation between the EU and Member State Level.” *Public Administration* 95, no. 2 (June 21, 2017): 3. <https://doi.org/10.1111/padm.12311>.

<sup>9</sup> Olsen, Johan. “Towards a European Administrative Space?” *Journal of European Public Policy* 10, no. 4 (2003): 506. <https://doi.org/10.1080/1350176032000101244>.

<sup>10</sup> Goga, Gina Livioara. “Convergențe administrative în spațiul european.” *EIRP Proceedings* 2 (2007): 86.

<sup>11</sup> Olsen, “Towards a European Administrative Space?” 517.

<sup>12</sup> Săraru, Cătălin-Silviu. “Premises for the Establishing of the European Administrative Space.” *Juridical Tribune-Tribuna Juridica* 6, no. 1 (2016): 179.

<sup>13</sup> Vedinaș, Verginia. *Tratat teoretic și practic de drept administrativ*, Vol. 1 (Bucharest: Universul Juridic, 2018), 73.

the implementation of EU/EC law”<sup>14</sup>.

The EAS is a non-hierarchical order of closely inter-twined operational and decision-making levels combined with a major structural variability.<sup>15</sup>

It has to be spoken, a unified model of public administration has not been established within the European administrative space, as key characteristics remain largely distinct. Among the four prevailing models — Westminster, Napoleonic, Weberian, and Swedish — none has achieved a dominant status.<sup>16</sup>

At the same time, Joachim Beck<sup>17</sup> draws our attention to the fact that the term “European Administrative Space” is defined in various ways in the literature — some scholars view it as a “harmonized synthesis of values” achieved through the cooperation of EU institutions and member states’ administrative bodies, others define it as an area of “joint action,” where administrations collectively exercise powers within a shared sovereignty framework, focusing on the implementation and Europeanization of EU law; additionally, the EAS is seen as a “multilevel Union administration,” with an emphasis on the participation of diverse actors and the distinction between supranational and state actors. These definitions highlight the multifaceted nature of the EAS, encompassing values, governance, and the relationship between EU institutions and member states.

So, the European administrative space is a concept variably defined in the literature, characterized by its complexity and evolving nature. It reflects *administrative convergence* between national systems and the administrative practices of member states, influenced by European principles and regulations. It is regarded both as a “common European model” and as a “shared space for action,” where European institutions and national authorities collaborate to implement European law.

While some argue that “the ‘space’ metaphor has no ‘spatial’ connotations attached,”<sup>18</sup> the concept of the European administrative space is often understood, like other classical administrative spaces, in its territorial dimension, being applicable to a territory governed by European community institutions.

All things considered, EAS operates within a defined territorial scope, tied closely to the principles of subsidiarity and proportionality, which inherently restrict its ability to address administrative challenges that extend beyond the EU’s jurisdiction.

### 3. Global Administrative Space as an Outcome of Global Governance

Concurrently, Europeanization is increasingly intertwining with broader globalization trends, fostering greater interconnectedness and cooperation among states

<sup>14</sup> Hofmann, Herwig C. H. “Mapping the European Administrative Space.” *West European Politics* 31, no. 4 (2008): 667. <https://doi.org/10.1080/01402380801905918>.

<sup>15</sup> Saerbeck et al., “The Administrative Embeddedness of International Environmental Secretariats,” 203.

<sup>16</sup> Moșneaga, Tanasă, and Palihovici, “Spațiul administrativ european,” 13.

<sup>17</sup> Beck, Joachim. “Territorial Institutionalism – Capturing a Horizontal Dimension of the European Administrative Space.” *Journal of Borderlands Studies* 36, no. 3 (2021): 362. <https://doi.org/10.1080/08865655.2018.1530608>.

<sup>18</sup> Trondal, Jarle, and B. Guy Peters. “The Rise of European Administrative Space: Lessons Learned.” *Journal of European Public Policy* 20, no. 2 (2013): 297. <https://doi.org/10.1080/13501763.2013.746131>.

and international actors on a global scale.

S.W. Schill, recognizing that globalization has led to the *detritorialization* of society, creating transnational needs and concerns, and that legal authority has become denationalized to address these issues,<sup>19</sup> asserts that “*state-oriented and state law-centered approach to administrative law, which was able to ensure the unity of administrative law and circumscribe the identity of administrative law as a domestic legal discipline, is disappearing due to the dissolution of administrative law’s traditional frontiers in a transnational legal space*”.<sup>20</sup>

At the same time, “the relativization of a territorial grounding of law in a particular jurisdiction”<sup>21</sup>, specific to the pluralist approach to law, leads us to a detrterritorialized view of administrative space.

As we have witnessed, the entire identity of global administrative law is shaped within the context of “global governance that transcends the boundaries of nation-states”<sup>22</sup>.

Antonia Baraggia emphasizes<sup>23</sup> that public power worldwide is undergoing profound changes, as an increasingly complex supranational space envelops national institutions, challenging the state’s monopoly on coercion and regulation in various areas. Simultaneously, private actors have entered the regulatory sphere, competing with the state’s regulatory authority.

Before the development of GAL concept, Eleanor Kinney explained that regulatory authority is no longer solely vested in national or local governments; instead, it is distributed across various entities, including governments, transgovernmental networks, and public international organizations, thereby creating a complex system of *international governance*.<sup>24</sup>

The advocates of polycentric governance state that “due to its statist ‘bias’ international law does not address large swathes of transnational and global regulatory activity”<sup>25</sup>.

Markus Kotzur holds the view that the global legal space (whether constitutional or administrative), comprises various actors, including states, international organizations, transnational networks, NGOs, and transnational corporations, along with different regulatory layers such as hard law, soft law, agreements, best practices,

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<sup>19</sup> Schill, Stephan W. “Transnational Legal Approaches to Administrative Law: Conceptualizing Public Contracts in Globalization.” *Rivista Trimestrale di Diritto Pubblico* 2014, no. 1 (2014): 31.

<sup>20</sup> *Ibid.*, 7.

<sup>21</sup> Zumbansen, Peer. “Defining the Space of Transnational Law: Legal Theory, Global Governance, and Legal Pluralism.” *Transnational Law and Contemporary Problems* 21 (2012): 309.

<sup>22</sup> Kuo, Ming-Sung. “Law–Space Nexus, Global Governance, and Global Administrative Law,” 330.

<sup>23</sup> Baraggia, Antonia. “The Rise of Conditionality within the Global Administrative Space: A Challenge for the Separation of Powers,” in *New Challenges to the Separation of Powers*, ed. Antonia Baraggia, Cristina Fasone, and Luca P. Vanoni (Edward Elgar Publishing, 2020), 78. <https://doi.org/10.4337/9781788975278.00011>.

<sup>24</sup> Kinney, Eleanor D. “The Emerging Field of International Administrative Law,” *Administrative Law Review* 54, no. 1 (2002): 418.

<sup>25</sup> Rachmayani, Asiva Noor. “Polycentrism,” ed. Frank Gadinger and Jan Aart Scholte (Oxford University Press, 2023), 147, <https://doi.org/10.1093/oso/9780192866837.001.0001>.

and self-commitments.<sup>26</sup>

Empirical observation highlights that significant regulatory functions no longer fall exclusively within the jurisdiction of states but have become transnational or global in nature. These functions transcend the boundaries of the state and the logic of statism. Thus, global decisions have effects on the regulation of individual behaviors (e.g., United Nations sanctions on terrorism) or on societies (e.g., the Kyoto Protocol's Clean Development Mechanism), with national administrations acting as global operators by implementing global norms or norms with extraterritorial effects (e.g., in environmental matters).<sup>27</sup>

Globalization is closely linked to the emergence of various actors, beyond states and international organizations, in the domain beyond the state.<sup>28</sup> Within the global administrative space, various actors undertake administrative and regulatory roles, so GAS can be seen as “a space of administrative convergences”<sup>29</sup>.

The Global Administrative Law researchers at New York University state that “a congeries of different actors and different layers together form a variegated ‘global administrative space’ that includes international institutions and transnational networks involving both governmental and non-governmental actors, as well as domestic administrative bodies that operate within international regimes or cause transboundary regulatory effects”<sup>30</sup>.

So, rather than a clear and distinct regulatory framework like that at the domestic level, there exists a “Global Administrative Space” that includes international institutions and transnational governance networks involving both governmental and non-governmental actors.<sup>31</sup>

As stated in the seminal study on GAL, “the conceptualization of global administrative law presumes the existence of global or transnational administration”<sup>32</sup>. So, aiming to conceptualize the administration of global governance, GAL theory posits the emergence of a “global administrative space”. But how is this space defined? This question is key to understanding the scope and boundaries of the concept, as different scholars offer varying interpretations and dimensions of its meaning.

<sup>26</sup> Kotzur, Markus, “Legitimacy Principles in Global Administrative Law,” in *Patterns of Legitimacy* (Nomos Verlagsgesellschaft mbH & Co. KG, 2024), 74, <https://doi.org/10.5771/9783748935469-71>.

<sup>27</sup> Hennebel, Ludovic. “Le droit administratif global,” in *Théories du droit global*, ed. B. Frydman and G. Lewkowicz, 6, <http://ssrn.com/abstract=2189312>.

<sup>28</sup> Dimitropoulos, Georgios. “Global Administrative Order. Towards a Typology of Administrative Levels and Functions in the Global Legal Order.” *European Review of Public Law* 23 (2011): 435-36.

<sup>29</sup> Săraru, Cătălin-Silviu. *Drept administrativ. Vol. 1.* (Bucharest: Universul Juridic, 2023), 19.

<sup>30</sup> Kingsbury, Benedict, Nico Krisch, Richard B. Stewart, and Jonathan B. Wiener. “Global Governance as Administration: National and Transnational Approaches to Global Administrative Law.” *Law and Contemporary Problems* 68, no. 3&4 (2005): 1. <https://doi.org/10.2307/27592105>.

<sup>31</sup> Manocha, Dushyant. “The Emergence of Global Administrative Law and International Institutions.” *Foreign Trade Review* 42, no. 4 (January 2008): 43. <https://doi.org/10.1177/0015732515080403>.

<sup>32</sup> Kingsbury, Benedict, Nico Krisch, and Richard B. Stewart. “The Emergence of Global Administrative Law.” *Law and Contemporary Problems* 68, no. 3 (2005): 18.

#### 4. The Shaping of the Concept Within GAL Doctrine

One can agree that “the notion of global administrative space is amorphous”<sup>33</sup> and that Global Administrative Law does not endorse any specific global order framework; rather, it provides new normative possibilities aimed at stabilizing and legitimizing the global administrative space.

This space would be characterized by its own elements that need to be analyzed, understood, and theorized. This space still requires regulation through principles and mechanisms of accountability, which is, specifically, the focus of Global Administrative Law.<sup>34</sup>

In fact, the global administrative space is not a consequence of the existence of GAL, but rather its cause and one of its premises. The reasoning followed is pragmatic and aligns with the prescriptive nature of the scientific project — if there is a global administrative space, it must be regulated.

So, the proponents of GAL claim that a unified yet complex global administrative space has emerged, separate from both international and domestic legal systems, and structured by overarching principles.

In this regard, Benedict Kingsbury posits that “*the idea of a ‘global administrative space’ marks a departure from those orthodox understandings of international law in which the international is largely inter-governmental, and there is a reasonably sharp separation of the domestic and the international*”<sup>35</sup>, and suggests transnational networks of rule-makers, interpreters, and enforcers in global governance dissolve rigid legal boundaries.

The global administrative space is those understood by GAL scholars as “*the regulatory space that transcends international law and domestic administrative law, and is separate from interstate relations*”<sup>36</sup>.

One of the theorists of GAL in Spain, Jaime Rodríguez-Arana Muñoz, succinctly asserts that “the global administrative space is a legal space”<sup>37</sup>.

In E. Chiti’s opinion<sup>38</sup>, the legal space of inter-state relations, traditionally governed by international law, and the legal space of domestic politics, regulated by national law, are not displaced; rather, they are redefined within the framework of a more expansive and complex global administrative space.

Lorenzo Casini, one of the Italian advocates of GAL, argues that the global administrative space emerges as a consequence of “traditional mechanisms based on state consent as expressed through treaties or customs are simply no longer capable of

<sup>33</sup> Chiti, Edoardo. “Where Does GAL Find Its Legal Grounding?” *International Journal of Constitutional Law* 13, no. 2 (2015): 489. <https://doi.org/10.1093/icon/mov025>.

<sup>34</sup> Hennebel, “Le droit administratif global,” 6.

<sup>35</sup> Kingsbury, Benedict. “The Concept of ‘Law’ in Global Administrative Law,” *European Journal of International Law* 20, no. 1 (2009): 25. <https://doi.org/10.1093/ejil/chp005>.

<sup>36</sup> Cassese, Sabino. *Advanced Introduction to Global Administrative Law*. Cheltenham, UK: Edward Elgar Publishing, 2021, 2. <https://doi.org/10.4337/9781789904222>.

<sup>37</sup> Rodríguez-Arana Muñoz, Jaime. “Reflexiones generales sobre el Derecho Administrativo Global”, *Gestión Pública* 17 (2018): 11.

<sup>38</sup> Chiti, “Where Does GAL Find Its Legal Grounding?” 488.

accounting for all global activities”<sup>39</sup>, therefore, the global administrative space is autonomous and distinct from the spaces governed by either international law or domestic administrative law.<sup>40</sup>

In the foundational study, Kingsbury, Krisch and Stewart brought into discussion the fact that “*enough global or transnational administration exists that it is now possible to identify a multifaceted ‘global administrative space’, populated by several distinct types of regulatory administrative institutions and various types of entities that are the subjects of regulation, including not only states but also individuals, firms, and NGOs.*”<sup>41</sup>

In a different context, scholars from the NYU GAL school assert “*global administrative space is increasingly occupied by transnational private regulators, hybrid bodies such as public-private partnerships involving states or inter-state organizations, national public regulators whose actions have external effects but may not be controlled by the central executive authority, informal inter-state bodies with no treaty basis (including ‘coalitions of the willing’), and formal interstate institutions (such as those of the United Nations) affecting third parties through administrative-type actions.*”<sup>42</sup>

Proponents of GAL argue that various models and behaviors have shaped a global administrative space distinct from the domain of intra- or interstate relations, whether national or international. This space is multifaceted, integrating the five categories of administration identified by global actors<sup>43</sup>. Within this framework, the state no longer serves as the sole authority imposing, regulating, or directing. Instead, it operates alongside NGOs, corporations, and other social and economic interest groups as an equal participant.

This represents a significant step in their argumentation since, without such a distinct space, there would be no basis for abandoning the classic dichotomy between national administrative law, on the one hand, and international law, on the other. The sociological approach, grounded in these new global operators and actors, allows for the delineation of the boundaries of a “global administrative space,” which incorporates elements from both international and national spheres and within which the interests of all subjects, perceived as global actors, interact in a complex manner.<sup>44</sup>

<sup>39</sup> Casini, Lorenzo. “Beyond Drip-Painting? Ten Years of GAL and the Emergence of a Global Administration.” *International Journal of Constitutional Law* 13, no. 2 (2015): 477. <https://doi.org/10.1093/icon/mov032>.

<sup>40</sup> Rached, Danielle Hanna. “Doomed Aspiration of Pure Instrumentality: Global Administrative Law and Accountability.” *Global Constitutionalism* 3, no. 3 (2014): 357. <https://doi.org/10.1017/S2045381714000094>.

<sup>41</sup> Kingsbury, Krisch, and Stewart, “The Emergence of Global Administrative Law,” 18.

<sup>42</sup> Kingsbury, “The Concept of ‘Law’ in Global Administrative Law,” 25.

<sup>43</sup> Five main types identified in the seminal study on GAL are: “(1) *administration by formal international organizations*; (2) *administration based on collective action by transnational networks of cooperative arrangements between national regulatory officials*; (3) *distributed administration conducted by national regulators under treaty, network, or other cooperative regimes*; (4) *administration by hybrid intergovernmental-private arrangements*; and (5) *administration by private institutions with regulatory functions.*” — Kingsbury, Krisch, and Stewart, “The Emergence of Global Administrative Law,” 20.

<sup>44</sup> Hennebel, “Le droit administratif global,” 6.



According to GAL doctrine, the global administrative space is the legal space in which individuals affected by a decision can and should be able to interact with the actors of global governance. This space is defined in relation to global entities identified by these authors as administrative, rather than by the standards of global administrative law, which aligns with reasoning that tends to derive the latter from the existence of the former.<sup>45</sup>

In the view of the authors of the seminal study on GAL, the global administrative space is not confined to formal bureaucratic organizations but extends to any organizations that actively carry out administrative functions across all levels of governance, and, as pointed out, “define the global administrative space in functional rather than formal terms”<sup>46</sup>.

In a recent work, the global administrative space is described as “a space created through increased collaborations and interconnectedness between global, regional, and national public and private actors”<sup>47</sup>.

It should also be noted that some scholars argue that it is difficult to distinguish the global administrative space from a broader *global space*. Indeed, the activities of global administrative entities take place within a global space but with an administrative distinction.

In this regard, Raphael Maurel critiques<sup>48</sup> the definition of global administrative space proposed by the GAL doctrine, highlighting its lack of clarity and support. He argues the concept fails to adequately distinguish between “juridical global space” and “administrative global space,” and does not clearly address the entities responsible for creating global administrative law. The author suggests the concept of global administrative space may have been developed more for doctrinal purposes than practical utility and concludes that the hypothesis of a global administrative space should be reconsidered, focusing not on organic classifications of global entities, but on the sources and relationships that produce global administrative law, in order to better understand its structure and normative effects.

## 5. GAS Characteristics

Building upon the concepts outlined, the following characteristics of Global Administrative Space can be discerned.

**1) Overcoming the National–International Dichotomy.** As “the formation of global administrative space means deviating from the Westphalian model of international lawmaking”<sup>49</sup> a primary characteristic of the GAS is its transcendence of the traditional dichotomy between national and international legal orders. While it

<sup>45</sup> Maurel, *Les sources du droit administratif global*, 544.

<sup>46</sup> Saerbeck et al., “The Administrative Embeddedness of International Environmental Secretariats,” 205.

<sup>47</sup> Grahn-Farley, Maria, and Jane Reichel, eds. *Governing with Public Agencies: The Development of a Global Administrative Space and the Creation of a New Role for Public Agencies*. Stockholm: Stockholm University, 2022, 11.

<sup>48</sup> Maurel, *Les sources du droit administratif global*, 544–55.

<sup>49</sup> Kuo, Ming-Sung, “Law–Space Nexus, Global Governance, and Global Administrative Law”, 333.

integrates elements of both, it remains a distinct entity. The global administrative space has been described as “distinct from the space of inter-state relations governed by international law and the domestic regulatory space governed by domestic administrative law”<sup>50</sup>. Nevertheless, numerous interconnections exist between the various levels, manifesting through vertical integration relationships (between global administrations and national administrations) and horizontal integration relationships (among global administrations across sectors).<sup>51</sup>

Within this global administrative sphere, global operators and administrations work together to establish norms regulating almost all human activities with worldwide implications. Operating without a centralized structure, they preserve the flexibility required by globalization and steer clear of excessive formalism. The lack of fixed roles enables participants to fully expand their functions, and this resulting ‘competition’ within the administrative space, in turn, fuels swift processes of change.<sup>52</sup>

In the opinion of Ming-Sung Kuo<sup>53</sup>, to which we also subscribe, unlike the nation-state, which serves as the traditional administrative space governed by national administrative law, the global administrative space is characterized by *legal pluralism*. Within this context, managing the interplay between diverse regulatory regimes becomes crucial to the operation of global governance, bringing to the forefront the challenge of “conflicts of laws arrangements” amidst the fragmented structure of global governance.

In the context of the dissolution of strict boundaries between the national and the international, it is noteworthy that some authors go beyond the concept of a mere global space and assume the existence of a *global order*<sup>54</sup>, based on the notions of global administrative space and global polity. This global order “is made of a mosaic of legal systems, with different layers (local, national, regional, global) and a plurality of sectorial regulatory regimes”.<sup>55</sup>

Sabino Cassese describes the emergence of a saprophytic order, interconnected with and permeable to other existing legal orders, lacking hierarchy or a supreme authority<sup>56</sup>. For this author, the global legal order does not simply overlay the state order as a distinct layer, nor do they form two clear-cut levels—since inequalities and fragmentation persist, states are not the sole subjects but intermingle with other entities and lose their unity, and no single level of governance maintains a monopoly over its constituent relations.

Stating that “in the global sphere, a global government is missing and, as a result, a distinction between global and national, public and private, state and societal but also

<sup>50</sup> Kingsbury, Krisch, and Stewart, “The Emergence of Global Administrative Law,” 26.

<sup>51</sup> Fromageau, Edouard. *La théorie des institutions du droit administratif global. Étude des interactions avec le droit international public*. Bruxelles: Bruylant, 2016, 37.

<sup>52</sup> Hennebel, “Le droit administratif global,” 6.

<sup>53</sup> Kuo, Ming-Sung, “Law–Space Nexus, Global Governance, and Global Administrative Law”, 338.

<sup>54</sup> See: Chiti, “Where Does GAL Find Its Legal Grounding?” 490-91.

<sup>55</sup> Cassese, Sabino. *The Global Polity: Global Dimensions of Democracy and the Rule of Law*. Sevilla: Global Law Press, 2012, 175.

<sup>56</sup> Cassese, Sabino. “Administrative Law Without the State? The Challenge of Global Regulation.” *NYU Journal of International Law and Politics* 37, no. 4 (2005): 680, 690.

between legislative, executive and judicial power makes no sense”<sup>57</sup>, G. Dimitropoulos asserts the emergence of a *global administrative order*, as a part of broader global legal order, seen as “a mixture, an amalgam of different actors, regimes, levels and networks that co-exist in the context of global governance”<sup>58</sup>.

However, some similarities between international law and GAL can also be identified. For instance, E. Fromageau argues<sup>59</sup> that the study of the criteria for identifying the components of the global administrative space highlights a significant similarity between GAL and contemporary public international law: both aim to identify the institutions that belong to their respective legal orders or spaces.

Two key arguments demonstrate the comparability of the identification processes within the global administrative space and public international law. First, there are institutional overlaps between global administrative space and public international law, especially through international organizations, which function both as subjects of international law and as components of the global administrative space. Second, both systems allow for the potential expansion of their respective *ratione personae* fields. The criteria for identifying components of the global administrative space are sufficiently broad to automatically include any institution as part of it. Similarly, the possibility of flexibly integrating public international law into this space should not be ruled out, even if such inclusion is not explicitly recognized in *jus inter gentes*.

**2) The Porosity of Boundaries Between Public and Private.** While overcoming the national-international dichotomy highlights the hybrid nature of GAS, its porosity further underscores the dynamic interactions between public and private actors in this space, “with standards being elaborated by and for private (or semiprivate) entities”.<sup>60</sup>

G. Dimitropoulos believes that “the main reason for this juridification of the global administrative space and for the evolution of a Global Administrative Law has been the creation of global public goods”<sup>61</sup>.

S. Escarcena views the global administrative space as a binary arrangement<sup>62</sup>, where distinct legal systems—or *jura particularia*—coexist alongside a shared set of principles, or *jus commune*, much like local laws once existed alongside a “vulgarized” Roman law in medieval Europe. This blending of *jura particularia* and *jus commune* is made possible by an emerging global polity in which Global Administrative Law (GAL) has evolved and currently functions.

The five categories of global administrative actors reinforce the view that these interactions are far removed from the classic interactions between states and international organizations.

The diversity of actors in GAS, ranging from states and international

<sup>57</sup> Dimitropoulos, “Global Administrative Order,” 439.

<sup>58</sup> Ibid, 463.

<sup>59</sup> Fromageau, *La théorie des institutions du droit administratif global*, 79-80.

<sup>60</sup> Richemond-Barak, Daphné. “Regulating War: A Taxonomy in Global Administrative Law.” *European Journal of International Law* 22, no. 4 (2011): 1034. <https://doi.org/10.1093/ejil/chr087>.

<sup>61</sup> Dimitropoulos, “Global Administrative Order,” 438.

<sup>62</sup> López Escarcena, Sebastián. “Investment Disputes *Oltre Lo Stato*: On Global Administrative Law, and Fair and Equitable Treatment.” *Boston College Law Review* 59 (2018): 2694. <https://lawdigitalcommons.bc.edu/bclr/vol59/iss8/6>.

organizations to private entities and hybrid partnerships, creates an intricate web of relationships that makes assigning responsibility for decision-making or enforcement difficult.

**3) Legal Pluralism and Polycentrism.** Beyond the fluid boundaries between public and private, the governance framework of GAS reflects a deeper fragmentation and polycentric structure, which we examine next.

In Ming-Sung Kuo's view,<sup>63</sup> the expansion of transnational legal orders within the postnational space has intensified the debate between legal unity and fragmentation in the global order. While national jurisdictions are often criticized for creating obstacles to the establishment of a cohesive transnational legal framework, the emergence of a postnational legal order — where national boundaries become increasingly permeable — might suggest a shift toward unified approaches to managing cross-border issues. However, the structure of global governance suggests otherwise. Instead of converging toward legal unity, the postnational legal order manifests as a mosaic of specialized regulatory regimes, each addressing distinct aspects of transboundary governance, reflecting a fragmented yet functional global legal architecture.

Speaking on global regulatory governance, Benedict Kingsbury and Richard B. Stewart state "*regulation in global administrative space is highly fragmented. Different regimes are organized along sectoral lines in specific fields of regulation, often with more than one organization in a given sector.*"<sup>64</sup>

Building on this idea, GAS is characterized by J. Amado Abril as "a fluid, interconnected space — like a web — encompassing different levels (horizontal, vertical, and transversal), rather than a separate, autonomous, or external"<sup>65</sup>, so it diverges from the traditional concept of territory — typically bounded, enclosed, and established — because this space is open, in constant flux, and fosters legal innovation.

The global administrative space is structured very differently from the hierarchical framework of domestic administrative law. It reflects *polycentric governance*, described as "transscalar, transsectoral, dispersed, variable, messy, elusive, and headless."<sup>66</sup> Rather than a top-down system, it is fragmented, heterarchical<sup>67</sup>, and

<sup>63</sup> Kuo, Ming-Sung. "On the Constitutional Question in Global Governance: Global Administrative Law and the Conflicts-Law Approach in Comparison." *Global Constitutionalism* 2, no. 3 (2013): 437–38. <https://doi.org/10.1017/S204538171300004X>.

<sup>64</sup> Kingsbury, Benedict, and Richard B. Stewart. "Legitimacy and Accountability in Global Regulatory Governance: The Emerging Global Administrative Law and the Design and Operation of Administrative Tribunals of International Organizations." In *International Administrative Tribunals in a Changing World*, edited by Spyridon Flogaitis, 1–20. London: Esperia Publications Ltd., 2008, 5.

<sup>65</sup> Amado Abril, Jesús Hernando. *Actuaciones administrativas en el marco del Derecho Administrativo Global: Estudio de caso*. Bogotá: Universidad Libre, 2020, 161. <https://doi.org/10.18041/978-958-5578-62-3>.

<sup>66</sup> Rachmayani, "Polycentrism," 150.

<sup>67</sup> "Heterarchy" is understood in sociology as "the relation of elements to one another when they are unranked, or when they possess the potential for being ranked in a number of different ways, depending on systemic requirements" and addresses the diversity of relationships among elements in a system — see: Crumley, C. L. "Heterarchy." In *Emerging Trends in the Social and Behavioral Sciences*, 2015. <https://doi.org/10.1002/9781118900772.etrds0158>.

decentralized, forming a spontaneously evolving regulatory space without a central authority or clear separation of functions. Global bodies and domestic agencies often overlap in roles and activities, rendering national administrative and legal systems porous as global norms infiltrate them, frequently bypassing national legislatures.

So, “there is no one supreme authority, the hierarchy peculiar to states, or a body of general rules that can endow uniformity upon its structure and operation”<sup>68</sup> in global legal space.

Anne-Charlotte Martineau, who dedicated her doctoral research to the study of the fragmentation of international law, identifies<sup>69</sup>, in this manner, two fundamental characteristics of the Global Administrative Space — fragmentation and deformalization.

The global administrative space is inherently *fragmented*, comprising diverse operators, regimes, and independent networks that gradually interconnect. In the absence of a general set of rules uniformly applicable to all actors across various fields, global operators evolve through mutual connections in a pragmatic and functional manner.

The global administrative space is also characterized by *deformalization*. Global or transnational actors operate without a centralized structure, maintaining the flexibility required in the era of globalization and avoiding excessive formalism. Consequently, global operators frequently rely on “soft law” and flexible forms of regulation. For instance, technical standards developed by ISO are widely accepted by industries that treat them as binding. Similarly, the non-binding certification system created through the Kimberley Process establishes production and trade conditions for rough diamonds, while the validation system promoted by the Extractive Industries Transparency Initiative plays a normative role despite lacking enforcement mechanisms. As these “soft” norms are part of global administrative law, alongside conventional and customary rules, the global administrative space lacks a clearly defined normative structure or hierarchy. Instead, it is characterized by diffuse and horizontal relationships among norms, some of which do not carry binding force.

Some authors even assert the existence of more specialized spaces, such as the “global environmental administrative space”<sup>70</sup>. However, we regard these debates as falling outside the scope of our research objectives. Nevertheless, we can observe that the fragmentation of the global administrative space constitutes an intrinsic characteristic of its nature.

Unlike traditional governance frameworks, where accountability mechanisms are tied to clear hierarchies and territorial jurisdictions, the decentralized structure of GAS

<sup>68</sup> Cassese, Sabino, “The Administrative State in Europe,” in *The Max Planck Handbooks in European Public Law: Volume I: The Administrative State*, ed. Cassese, von Bogdandy, and Huber (Oxford: Oxford University Press, 2017), 89.

<sup>69</sup> Martineau, Anne-Charlotte. “Une analyse critique du débat sur la fragmentation du droit international.” PhD diss., Université Panthéon-Sorbonne, 2013, 288-290.

<sup>70</sup> “Our argument is that a global environmental administrative space is currently emerging within the global environmental governance regime through the intensification of relationships between (integrated) administrative units at different levels of government.” — Saerbeck et al., “The Administrative Embeddedness of International Environmental Secretariats,” 207.

complicates the enforcement of norms and the monitoring of regulatory compliance

## 6. Conclusions

By examining these key features, we can see the complexity of GAS and its transformative influence on global governance; furthermore, as demonstrated, the global administrative space arises as a result of global governance.

The global administrative space is therefore a tangible phenomenon that captures the complexities of relationships and interactions in globalization. It is characterized by fragmentation, polycentrism, and an uneven distribution of regulatory authority, thereby creating the need for common administrative principles to uphold legitimacy.

Just as we previously observed that transnational law also redefines the spatial dimension of law and stated that “transnational space must be understood as a metaphorical, ideational, not territorial field”<sup>71</sup>, the global administrative space similarly represents a de-territorialized, conceptual construct, emerging as a consequence of the proliferation of global governance, designates *the sphere of action for Global Administrative Law*.

In contrast to the European administrative space — which, despite being founded on the principle of regulatory convergence, remains territorially limited to EU member states—the global administrative space must be understood through a pluralistic lens. This perspective acknowledges the participation of various actors within a global society (including, but not limited to, states) who engage in legal regulation within a distinct social sphere that, in certain respects, may intersect with national or international territorial domains.

EAS’s focus on harmonization within a well-defined political and legal community contrasts sharply with GAS’s fragmented, decentralized structure, which thrives on polycentric governance and overlapping jurisdictions across the globe

Global Administrative Law is both the product of and the response to the new globalized realities where a global administrative space is increasingly distinguishable. Nonetheless, it is critical to take into consideration that “the emergence of a global administrative space was not followed by the institution of a general and unitary body of global administrative law”<sup>72</sup>. Thus, there are no institutions with exclusive competencies over a defined territorial space, as is the case in national or even European administrative spaces. Global Administrative Space, therefore, is inherently sectoral and fragmented, characterized by diverse regulatory frameworks and the decentralized roles of multiple actors.

We can thus highlight the **main characteristics of the Global Administrative Space:**

*Overcoming the National–International Dichotomy:* GAS does not align strictly with domestic law or classical international law but incorporates elements of both,

<sup>71</sup> Bostan, Alexandru. “Transnational Law – A New System of Law?” *Juridical Tribune* 11, Special Issue (2021): 354. <https://doi.org/10.24818/TBJ/2021/11/SP/05>.

<sup>72</sup> Martins, Ana Gouveia. “Global Administrative Law: A New Branch of Law or a Quest for an Academic Grail?” *E-Pública: Revista Eletrônica de Direito Público* 2, no. 3 (2015): 209.

creating a hybrid system.

*Porosity of Boundaries Between Public and Private:* In GAS, private actors (such as NGOs and corporations) can assume regulatory functions, while national administrations apply norms with global effects, influenced by international or transnational mechanisms.

*Legal Pluralism and Polycentrism:* Unlike the hierarchical structures typical of states, GAS is fragmented, heterarchic, and dispersed, governed by numerous normative regimes that are often overlapping or interconnected.

In essence, GAS denotes the sphere of activity in which administrative, regulatory, and quasi-regulatory processes — transcending territorial confines — are formulated, applied, and contested by diverse actors seeking to address issues and interests of a global or transnational nature. This domain thus underpins Global Administrative Law, whose principles and mechanisms are aimed at ensuring transparency, accountability, and legitimacy in the complex governance arrangements that shape our increasingly interconnected world.

Based on the analysis, we can **define** Global Administrative Space as representing the transnational legal and regulatory domain emerging from processes of global governance, in which administrative and regulatory functions extend beyond national boundaries, are carried out by heterogeneous, overlapping regimes involving states, private entities, and hybrid actors within a non-hierarchical framework that merges both “hard” and “soft” law, and emphasizes accountability and legitimacy beyond traditional domestic and international orders.

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