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Globalisation of administrative law in the context of modern challenges and threats*

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Summary: 1. Introduction. 2. History of the development of administrative law as a branch of public law. 3. Understanding of the essence and purpose of administrative law. 4. Public interest and ways to ensure it. 5. Concept of global administrative law: Myth or reality. 6. Conclusions

1. Introduction

Throughout history, humanity has progressed from an agrarian society to an informational society. Without a pause, today the entire world community is entering an era of new changes and transformations. States face hitherto unknown challenges that require concerted action and solutions to overcome and address them. The most urgent threat now is an epidemic one, which has acquired the status of a pandemic and affected the interests of a large number of states. This means that legislators and governments of different countries are searching for the optimal model for responding to such challenges. In addition, the development of information and communication technologies pushes states to take coordinated actions and unify processes in various spheres of life.
Recently, the scientific literature has begun to raise issues related to the revision of the perception of the law in society, especially the part of it that regulates relations between the state represented by its authorized bodies and individuals, namely, administrative law. Public administration is closely related to administrative law, and its activities are the source of subsistence for this branch of law. The administration is a component of public space, it is a sphere of manifestation of common interests and specific mechanisms for ensuring them[1].

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No country in the world is able to isolate itself from others and create legislation without considering global trends. The state ensures the viability of society as a system through the use of its power, and the law – through regulation. The latter serves as a stabilizing factor, complying with the principles of freedom and justice. With the development of society, the subject matter and boundaries of legal regulation are changing. Certain relationships fall outside the scope of legal regulation, while others have a significant impact on society and require legal oversight. Examples include regulations for environmental protection and the use of information and communication technologies in public administration. Legal regulation of public relations continues to acquire special relevance, because the main feature of the state model, characterized as legal, is a sign of high legal regulation of public relations.

In this regard, the study set the following purposes:

– determine the role of administrative law in ensuring the global public interest;

– outline the approaches used in administrative regulation in formulating the content of public interest, ways to ensure it, and the ratio of public and private interests of individuals;

– conclude whether administrative law acquires signs of globality, in other words, whether it is now possible to discuss the emergence of supranational administrative law.

The study covers trends in the development of administrative law. The study uses research methods. The English philosopher Francis Bacon, emphasizing the great importance of the method, compared it to a lantern that illuminates the path of the traveler in the dark[2]. Both empirical and theoretical methods were used to achieve these purposes. Observation is considered the most elementary method, which usually acts as one of the components in the complex of other empirical methods. The scientific observation allowed tracing of how administrative law originated, what preceded its development, how its purpose is changing in the modern world, and what tasks it now performs. This approach helped to examine administrative law in dynamics, to outline its place in the system of legal regulation tools. Analysis and generalization as theoretical research methods allowed

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[1] E. BĂLAN – T. DRAGOŞ – T. REBELEŞ, *General Principles of the Administrative Procedure. The Romanian Perspective*., in *Transylvanian Review of Administrative Sciences*, 3(20) (2007), pp. 13-29.
[2] O. G. DANILYAN – V. M. TARANENKO, *Fundamentals of Philosophy*, Kharkiv, 2003, pp. 352 ss.

concluding the presence of a sign of globality both concerning the public interest and administrative law. Abstraction, as a method of scientific knowledge that consists of the mental selection of essential features, relationships, and aspects of the subject, was useful in modeling the idea of global administrative law.
This study further explores the concept of global administrative law, analyzing various types of globalized administrative regulation and highlighting the potential role of global administrative law in addressing global challenges such as pandemics. By emphasizing the blurring of national and international, public and private dimensions, this study offers a nuanced understanding of the development of global administrative law and its complementarity with national administrative law. It also identifies specific areas where the development of global administrative law is inevitable, such as health, outer space, environmental safety, and information networks. The research provides valuable insights into the evolving nature of administrative law in the context of global governance and contributes to a deeper understanding of the global administrative law framework.

2. History of the development of administrative law as a branch of public law

Administrative law is conventionally perceived as a managerial law, the main purpose of which is the imperative regulation of relations in the field of public administration. The development of administrative law as a science and branch of public law began only in the second half of the XIXth century on account of the lawyers of Roman law.
Administrative law originates from cameralistics, which combined economic and political sciences, statistics, and technological processes at the level of public administration. The academic discipline of cameralistics was developed at the universities of Prussia in the XVIIth century, the teaching of which later continued in Germany and Austria. This science entered Russia in the XVIIIth century in the form of translated publications intended for the public interested in public administration, and shortly afterward teaching began in universities of the Russian Empire. In the second half of the XIXth century, as a branch of science and an academic discipline, cameralistics ceased to exist, and the corresponding term became obsolete. Cameralistics was replaced by police law, which gradually became administrative law.
Despite the existence of common foundations, the development of governance systems and administrative legislation in different European countries took place along different national trajectories. For example, France in the XIXth century appeared as a strong state with centralized governance,

which was regulated by the provisions of administrative law. The system of public administration was a state machine in which citizens in civil society enjoyed the basic rights guaranteed by the constitution (such as freedom of assembly), but concerning the administrative apparatus, they were only controlled objects. The main tool of governance was the prefect's institute, which performed most of the interdepartmental functions and represented the central departments on the ground. Therewith, administrative law developed simultaneously with civil law and was considered an independent branch that established a privileged status for the administrative apparatus.

England, on the contrary, was a country without a specific apparatus of public administration, where the government was exercised primarily through local institutions, there was a legal system in which the population enjoyed considerable freedoms not only at the level of the Constitution but also the level of activity of governing bodies. At that time, there was no special branch of law (administrative law) that would be crucial for the activities of public institutions. The entire state, as a single apparatus, acted under the principle of the rule of law. The common law of the land was enforced on both regular British citizens and those in positions of authority.

The main differences between these two models of administrative law development were the issues of relations between public administration bodies and citizens. According to this criterion, these two models found followers in other European countries as well. The French model became widespread in countries such as Germany, Italy, and Poland. The English model influenced the development of governance systems in Hungary.

Researchers of the historical development of European administrative law call the administrative systems of France and England, the regulation of which is the basis of administrative law, the first-generation systems that originated in the Renaissance[3]. Thus, the French and English models of administrative law development represent two contrasting approaches. The French model featured a centralized state with administrative law regulating the relationship between public administration bodies and citizens, while the English model emphasized decentralized governance and the rule of law applying uniformly to all. These models shaped the development of administrative law not only in their respective countries but also had a significant impact on other European nations. The second-generation systems include those of Germany and Italy, which were fully developed in the XIXth century. The idea of administrative law being a distinct branch of law for the administrative system was not immediately embraced in Italy. Private law, particularly contractual regulation, was predominant for a prolonged

[3] S. CASSESE, *The Development of the Administrative*, Milan, 2010, pp. 584 ss.

period while the public-law aspects were scattered. The Italian administrative system took as its basis the existence of the institution of prefects, with the difference that in addition to performing interdepartmental functions, they became a political tool for the government.
Therefore, despite certain differences between the administrative law of various countries, in the second half of the XIXth century, it was perceived as a branch of public law based on constitutional law. The latter was considered the foundation on which administrative law was based. For example, at the beginning of the XXth century, administrative law in the Russian Empire was considered by most researchers as part of constitutional (state) law.
Gradually, the differences between national governance systems and administrative legislation, mainly in Europe, began to be influenced by external factors. In the world, the problems faced by governments of different countries are similar, and therefore the ways to solve them become universal. It is difficult to identify any distinct characteristics dominating the field of administrative law, and each country's system is distinct[3]. Thus, for example, the wars of the XIXth and XXth centuries increased the responsibility of national governments, as they forced them to expand the public sector of the economy, increase state intervention in the economic sphere, collect more taxes, and provide support to military personnel and their families. Subsequent economic crises contributed to the expansion of functions entrusted to the state apparatus. With the beginning of industrialization, rationalization, and decentralization, the impact of domestic factors that contributed to the development of the unification of administrative systems increased. After the First World War, Taylorismus and scientific management began to have a special influence at the level of national administrations. The 1960s were marked by the development of the Planning, Programming, and Budgeting System – PPBS and the Rationalisation des Choix Budgetaires – RCB.
Gradually, the theory of public administration based on the idea of service public administration became widespread in the world, in particular in the United States and some Western European countries, in the 1980s and 1990s. According to it, the essence and purpose of the state are to serve the individual by effectively providing public services. In this regard, administrative law also changed. The introduction of new methods in public administration led to an invasion of private law tools in the public legal sphere. States began to increasingly use the principles underlying civil law to regulate relations between representatives of public authorities and private individuals. Contracts between the state and individuals, once almost unknown, are now a common feature of state activity. Consequently, the

state becomes dependent on cooperation with civil society. Conversely, private institutions have become more likely to apply the provisions of administrative law. For example, the internal rules of the Internet Corporation for Assigned Names and Numbers (ICANN) and the World Anti-Doping Agency (WADA) contain very similar provisions to the institution of administrative procedure.

As for Ukrainian administrative law, it developed considering the system of governance and legislation of the country which included one or another part of modern Ukraine. Just as in other countries, the development of administrative law began with cameralistics. Therewith, the development of cameralistics on the territory of Ukraine under the rule of the Austro-Hungarian Empire is associated with the development of European administrative law, and eastern Ukraine – with the development of cameralistics of the Russian Empire. The development of national Ukrainian administrative law began in 1991 with Ukraine's independence. The introduction of a new system of public administration, which was associated with the restructuring of the existing government system and the emergence of new state institutions, took place within the framework of administrative reform. The concept of administrative reform in Ukraine initiated the renewal of administrative law as a branch of law. The above refers to the creation of a legal base of activity of the central and local executive bodies, regulation of questions of organizational, personnel, financial, and information support of public administration. Gradually, the development of administrative law takes place considering European administrative legislation.

The introduction of a service concept into the public administration system was no exception. In Ukraine, this concept began to develop after its adoption in 1996. Constitution of Ukraine, when administrative law received a new basic idea called anthropocentrism by V. B. Averyanov[4] that made a "tectonic shift" in understanding the purpose of administrative law, and its role in the state and society. Anthropocentrism as the quintessence of provisions and ideas about the service of the state to man became a reference point for the development of administrative legislation, which dynamically increased the conceptual apparatus (enriched, for example, by categories such as administrative service, police service, etc.), received new regulations that introduced a mechanism for exercising citizens' rights in relations with public administration and protection of human and civil rights violated by the authorities.

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[4] V. B. AVERYANOV, *Updating the Ukrainian Administrative–Legal Doctrine Based on The Principle of the Rule of Law*, in *Journal of Kyiv University of Law*, 3 (2008), pp. 9-14.

The idea of anthropocentrism, supported by the majority of administrative law scholars[5][6][7], has become dominant in the scientific community. It pushed administrative law away from outdated paradigms in which man was given the place of the object of administrative influence by the state and developed the idea of administrative law as a branch of law the main purpose of which is the exercise and protection of human and civil rights in the field of public administration.

Thus, at the beginning of its development, administrative law was a system of rules that differed from private law. Globalization, privatization, and the latest methods of public administration reduced the gap between the private and public spheres. It can be argued that private law invades the sphere of public law and blurs the boundaries between them. In the past, wars and revolutions served as an impetus for the development of administrative law. However, the era of revolutions has passed, and administrative law depends to a greater extent on the history and previous path of a particular country. Despite the introduction of various new technologies in the field of public administration, there is conservatism in administrative law. Since even during evolutionary adaptation to changing social circumstances, older forms continue to exist. Only the change in their functions and their adaptation to new conditions can be traced.

Undoubtedly, the theories of administration and administrative law have recently changed dramatically. The conventional hierarchical example of the state bureaucracy has faced the activities of autonomous public service bodies, independent regulatory agencies, new influential local governments, and many transnational and international regulators[8]. Various private entities (bodies of self-organization of the population, associations of citizens by interest groups) are now recognized as vital participants in the administrative process, sometimes as representatives of the public interest.

3. Understanding of the essence and purpose of administrative law

[5] Yu. P. BITYAK, *Science of Administrative Law of Ukraine: Concept, Subject, Methodology of Research of (Administrative) Legal Relations*, in *Legal Journal "Law of Ukraine"*, 12 (2013), pp. 122-140.

[6] R. S. MELNIK, *The Concept of Anthropocentrism in the Modern Doctrine of Administrative Law*, in *Law of Ukraine*, 10 (2015), pp. 157-165.

[7] A. A. PUKHTETSKA, *The principle of the rule of law: modern European doctrines as a guide for reforming national legislation*, in *Bulletin of the National Academy of Sciences of Ukraine*, 3 (2010), pp. 33-43.

[8] F. BIGNAMI, *From Expert Administration to Accountability Network: A New o Accountability Network: A New Paradigm for Comparative Administrative Law*, in *The American Journal of Comparative Law*, 59 (2011), pp. 2-49.

Throughout the development of administrative law, many researchers have tried to define this branch. The interpretations were different depending on the administrative law of the era in question. Hereafter some of them are considered in terms of their diversity. Thus, D. Rosenbloom[9] defines administrative law as a set of constitutional provisions, charters, court decisions, administrative orders, and other official directives that:
– regulate the procedures that institutions use in making provisions and relevant policy decisions;
– control the exercise of their powers to ensure compliance with laws and regulations;
– regulate the degree of openness of the administration to public control;
– provide a review of agency decisions on these issues.
Ishwor Thapa[10] indicated that administrative law concerns the legal control of the government and related administrative powers. In other words, administrative law is a set of provisions and rules, orders, and decisions created by administrative authorities. Thus, the researcher notes that administrative law – is a law that regulates the activities of the executive branch, its activity, and protects the civilian population from any abuse of power conducted by the executive branch or any of its tools.
Some authors note that there is no generally accepted definition of administrative law, but rationally it can cover the organization, powers, duties, and functions of state bodies of all kinds engaged in administrative activities; their relations between themselves and with citizens and non-governmental bodies; legal methods of controlling public administration; the rights and duties of officials[11]. E. A. Martin and J. Law[12] state that administrative law is a branch of public law that regulates the exercise of powers and duties by government agencies. This is especially true for the control of public power by the judiciary and through non-judicial mechanisms (parliamentary ombudsman).
Russian administrative researchers B. V. Rossinsky and Yu. N. Starilov[13] define administrative law as follows: it is a branch of law (and not a system of legal provisions) that, performing state tasks and functions, regulates

[9] D. H. ROSENBLOOM, Administrative Law for Public Managers, Boulder, 2003, pp. 240 ss.
[10] I. THAPA, *Administrative Law: Concept, Definition, Nature, Scope and Principle and its Sources*, Kirtipur, 2020, pp. 13 ss.
[11] W. A. ROBSON, *Administrative Law*. https://www.britannica.com/topic/administrative-law (2020).
[12] E. A. MARTIN – J. A. LAW, *Dictionary of Law*, Oxford, 2006, pp. 560 ss.
[13] B. V. ROSSINSKY – Yu. N. STARILOV, *Administrative Law*, Moscow, 2009, pp. 927 ss.

administrative public relations arising in Russia, in the sphere of organization and activity of executive power, ensuring legal activities to protect the rights, freedoms, and legitimate interests of individuals. There is also an opinion in the literature that administrative law is part of constitutional law. H. W. R. Wade and C. F. Forsyth[14] indicate that all administrative law can, in fact, be considered a branch of constitutional law, as it derives directly from the constitutional principles of the rule of law, parliamentary sovereignty, and the independence of the judiciary. Despite the variety of positions of researchers regarding the understanding of the essence of administrative law, some conclusions can still be drawn.

Firstly, administrative law should be seen as a separate branch of law that contains rules of conduct applicable to the settlement of a substantial (and sufficiently large) part of public relations. Even considering the position that administrative law is a part of the constitutional one, the scope of administrative law regulation is so large that the combination of both the constitutional component and administrative law in one area does not seem appropriate.

Secondly, administrative law is a branch of public law because its purpose is to regulate not private, but public legal relations. The basis of administrative and legal regulation is always the public interest. Its ensuring is seen as the purpose of administrative law. Public interest is a generalizing phenomenon, it is the interest of society, the state, and the dominant need for the majority of individuals. Private interest in administrative regulation is subordinated to the need to ensure the common good. In the name of public interest, the rights of individuals may be restricted by means of administrative law.

Thirdly, in the subject area, the provisions of administrative law regulate public relations in the field of public administration. In this thesis, the category "relations" as a generic concept in relation to the term "relationship" is emphasized. Ultimately, administrative regulation concerns not only the regulation of relations between subjects but also the activities of representatives of public authorities conducted outside of public relations. The above refers, for example, to the adoption of regulations by the public administration, the implementation of police guardianship, etc.

Fourthly, administrative law is usually also associated with judicial control over the activities of the public administration. One way or another, every European system recognizes the control over public power as the primary function of administrative law, so the purpose of this branch of law is to limit the powers of public power by law to protect the rights of a private

[14] H. W. R. WADE – C. F. FORSYTH, *Administrative Law*, *Oxford*, 1995, pp. 912 ss.

individual[15][16]. In other words, administrative law subordinates the state apparatus to the rule of law, prescribing behavior within administrative institutions[17].
Conventionally, administrative law is considered a branch of public law based on constitutional law, and consequently, closely related to the national state. But today, given the processes taking place in the world and international institutions, this position can no longer be considered so convincing.

4. Public interest and ways to ensure it

The basis of administrative and legal regulation is the need to ensure the public interest. Interest is a powerful motivating force in society, and it is a concept that is utilized across a variety of disciplines including law, sociology, anthropology, history, economics, political science, and psychology. The only regulation of Ukraine that interprets the category "public interest" is the Law "On Administrative Procedure" adopted in 2021. Thus, the public interest is the interest of the state, society, and territorial community; interests and needs that are important for a large number of people. In the scientific literature and court decisions, there is terminological variability to define such concepts as "public interest", "national interest", "state interest", etc. Public interest is an indefinite concept and is defined as an abstract institution (or abstract category) that receives certainty only in comparison with a specific rule of law – that is, in particular, the purpose or objectives of such a particular law[18].
The supreme judicial body in Ukraine also expressed its position on understanding the "public interest". The Grand Chamber of the Supreme Court in its decision of 13 February 2019 in case No.233 / 4308/17 interpreted it as important for a large number of individuals and legal entities, which, following the statutory competence, is ensured by public administration entities. That is, the public interest is nothing more than a certain set of private interests.
Interest is a set of intentions, aspirations, and desires to acquire goods, it is the basis on which an action or inaction arises to achieve any good. It is

[15] P. PIVA, *An Introduction to Italian Public Law*., in *European Public Law*, 1(3) (1995), pp. 299-307.
[16] M. SHAPIRO, *Administrative Law Unbounded: Reflections on Government and Governance*, in *Indiana Journal of Global Legal Studies*, 8(2) (2001), p. 6.
[17] C. HARLOW, *Global Administrative Law: The Quest for Principles and Values*, in *European Journal of International Law*, 17(1) (2006), pp. 187-214.
[18] A. BĚLOHLÁVEK, *Public Policy and Public Interest in International Law and EU Law*, in *Czech Yearbook of International Law*, 3 (2012), pp. 117-147.

a trigger for meeting needs. A. Bělohlávek[18] notes that the term "interest" comes from Latin from the combination of "inter-" (between) and "esse" (to be) meaning "a thing that is between something" or "a thing that distinguishes". It is widely thought that the concept of interest is much older than Roman law. O. Vodiannikov[19] defines interest (both private and public) as a conscious desire of a person or several persons and/or the state for certain social benefits to meet needs that are not prohibited by law, the satisfaction of which directly follows from the provisions of the law. The main purpose of administrative law is to ensure public interest. This category is quite stable in science.

The development of the category "public interest" has its origins in the times of the Roman Republic but was properly actualized only in the 1960-1970s. At that time, the United States used this category of administrative law conditioned by the need to create mechanisms for proper judicial protection of environmental interests and values, namely the interests of the public about clean air and chemical-free water, which received a generally recognized understanding as the "reformation of American administrative law".

In the 1980s, the category "public interest" as the basic one for European administrative law was already being embodied in the reform approach to the systematization of administrative legislation of the Federal Republic of Germany, which is associated with the development of a mechanism for ensuring and protecting the public interest in environmental security. The category "public interest" in the legislation of the Federal Republic of Germany is defined as the natural interest of the individual, which has a proper interpretation and appropriate consolidation in regulatory documents. The fulfillment of public interest simultaneously contributes to the fulfillment of the interest of an individual. Public interest is established as opposed to private interest. In administrative law, there is a search for an optimal model for balancing them, or the need for the dominance of the public over the private to achieve the common good is substantiated.

The formula by which the permissibility of interference with the law is decided is already quite well known. Its roots are in the Convention for the Protection of Human Rights and Fundamental Freedoms. Some articles provide that the law may be limited to interference that is necessary for a democratic society in the interests of national and public security or the

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[19] O. VODIANNIKOV, *Concept of Interest in Constitutional Law: À Propos Defining Social Interest and Particular Social Significance in Constitutional Complaint Proceedings.* https://www.constjournal.com/wp-content/uploads/issues/2020-4/pdfs/1-oleksandr-vodiannikov-kontseptsiia-interesu-konstytutsiinomu-pravi-pytannia-rozuminnia-poniat-suspilnyi.pdf (2020).

economic well-being of the country, to prevent riots or crimes, to protect health or morals, or to protect the rights and freedoms of others. Thus, this provision formed the so-called "3-part test", which refers to a set of criteria used to determine the permissibility of interference with the law, particularly in relation to human rights and fundamental freedoms. The origins of this test can be traced back to the European Convention for the Protection of Human Rights and Fundamental Freedoms, also known as the European Convention on Human Rights (ECHR). The three components of the test are:

- legality, which means that any interference with rights must be prescribed by law;
- legitimate aim, that explains interference with rights must pursue a legitimate aim. The Convention enumerates various legitimate aims, including national security, public safety, the economic well-being of the country, the prevention of disorder or crime, the protection of health or morals, and the protection of the rights and freedoms of others. These aims reflect the balance between individual rights and the broader interests of society;
- the restriction must be necessary, and the word "necessary" means that there must be a "pressing social need" for the restriction.

Therefore, two of the three components of this test, legitimate aim and necessity, are quite evaluative concepts within which in each specific situation the public administration invests meanings.

The 3-part test has been utilized in cases involving restrictions on freedom of expression. For instance, in the case of Handyside v. United Kingdom[20], the European Court of Human Rights examined the prohibition of a book deemed obscene. The Court held that the interference with freedom of expression was prescribed by law, pursued the legitimate aim of protecting morals, and was necessary in a democratic society. The Court stressed the importance of a wide margin of appreciation for member states in determining what is necessary in accordance with their cultural and moral values. Moreover, the test is also relevant when assessing limitations on the right to freedom of assembly. In the case of Bączkowski and Others v. Poland[21], the European Court of Human Rights examined the restrictions imposed on peaceful demonstrations during an international summit. The

[20] European Court of Human Rights, *Case of Handyside v. the United Kingdom*. https://hudoc.echr.coe.int/eng#{%22itemid%22:[%22001-57499%22]} (1976).

[21] European Court of Human Rights, *Case of Bączkowski and Others v. Poland* https://hudoc.echr.coe.int/tkp197/view.asp#{%22fulltext%22:[%22B%C4%85czkowski%20and%20Others%20v.%20Poland%22],%22itemid%22:[%22002-2725%22]} (2007).

Court found that the restrictions were prescribed by law, pursued the legitimate aim of preventing disorder, and were necessary in a democratic society. However, the Court also highlighted the importance of balancing the right to peaceful assembly with the state's obligation to facilitate public protests. Thus, the 3-part test is applied across various administrative contexts to assess the permissibility of interference with fundamental rights. It helps strike a balance between individual rights and broader societal interests while considering factors such as legality, legitimate aim, and necessity in a democratic society.

Now, the development of a global public interest can be observed. Thus, the need to overcome the SARS-CoV-2 coronavirus pandemic has become a need not only for individual countries but has acquired signs of supranationalism. Centralized leadership is required to overcome it, which is conducted, in particular, by the World Health Organisation through recommendations to member states. Given the value of the problem, states cannot ignore such advice and conclusions from an international organization. The unification of measures implemented by governments of different states to ensure public health may indicate that administrative law is globalizing, acquiring signs of universality, and extending beyond the territorial borders of countries.

In addition to the need to take care of public health, the global public interest concerns the areas of environmental safety, cross-border cooperation, international migration, etc. The priority in applying administrative tools to ensure public interest indicates the role of administrative law in solving global problems. In addition, a clear confirmation of the thesis about the globalization of administrative law is the implementation of the principles of good governance and good administration in the legal systems of states, the development by the European Court of Human Rights of positions on the understanding of these principles and human rights, including those implemented in relations with executive bodies and local self-government.

5. Concept of global administrative law: Myth or reality

In recent years, two opposite trends can be distinguished in the legal literature regarding the modern purpose of administrative law. Some studies state the end of administrative law, and others – the new administrative law. The authors of the first group insist that administrative law has lost its

features, which does not allow determining the subject of its legal regulation[22]. The reason for this is the processes of decentralization, globalization, and constitutionalizing, affecting almost all countries of the world[23].
Proponents of the second approach believe that the renewal of administrative law was conditioned by the processes of modernization, changes, and reforms. It is more open and focused on "management" rather than ordering. The updated administrative law is based on a fundamentally different role of the state as an intermediary, regulator of economic and social management[24]. This fully corresponds to the next stage in the evolution of administrative law, characterized by a new paradigm that follows from the requirements of collective knowledge and its consequences (such as the law on planning, forms of the welfare state, etc.)[25].
Thus, the analysis allows distinguishing three main levels of development of administrative law. First – a considerable expansion of the scope of executive power, in particular, to make political decisions. Second – additional control and regulation of the economy; at the third level, ensuring of vital existence and a common interest (general welfare state). To one degree or another, this path has been taken by the legal systems and administrative law of most countries of the world. This was accompanied by specific features explained by historical, economic, and national prerequisites. The system of governing bodies, which was originally conceived as an apparatus designed to ensure the subordination of the ruling subjects of administrative activity, has now become responsible for providing services to the population.
Considering the changes taking place in the world, the next stage in the development of administrative law is such a renewal, which can gradually transform it into a globalized dimension. Researchers express different opinions about the concept of global administrative law. For example, Benedict Kingsbury et al.[26] argue that the existence of global administrative law requires global or transnational governance and provides confirmation of its existence. Examples are the provisions in force in the field of economic

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[22] A. JEAN-BERNARD, *The Battle of San Romano. Reflections on Recent Developments in Administrative Law,* in *Legal News*, 57(11) (2001), pp. 912-926.
[23] S. CASSESE, *New Paths for Administrative Law: A Manifesto*, in *International Journal of Constitutional Law*, 10(3) (2012), pp. 603-613.
[24] W. KAHL, *What Is 'New' about the 'New Administrative Law Science' in Germany?* in *European Public Law*, 16(1) (2010), pp. 105-121.
[25] K-H. LADEUR, *The Evolution of General Administrative Law and the Emergence of Postmodern Administrative Law*., in *Comparative Research in Law & Political Economy*, 07(04) (2011), pp. 1-55.
[26] B. KINGSBURY – N. KRISCH – R. B. STEWART, *The Emergence of Global Administrative Law*, in *Law and Contemporary Problems*, 68 (2005), pp. 15-61.

regulators: the OECD networks and committees, the administration and committees of the WTO, the committees of the G-7 / G-8, the structures of antitrust cooperation, and financial regulation performed by, among others, the IMF, the Basle Committee and the Financial. In addition, administrative action is now an important part of many international security regimes, including the work of the UN Security Council and its committees, related areas such as nuclear energy regulation (IAEA), or the Chemical Weapons Convention oversight mechanism. All of the above indicates the existence of multifaceted administration of global governance. To better understand the multifaceted nature of global administrative law, the same researchers identify five main types of globalized administrative regulation:

– governance of official international organizations;
– administration based on collective actions of transnational networks cooperation agreements between national regulatory officials;
– distributed administration, which is conducted by national regulators under contractual, network, or other cooperation regimes;
– governance through hybrid intergovernmental private arrangements;
– governance of private institutions with regulatory functions.

In this context, Snyder[27] speaks of a "system of global legal pluralism" based on "many institutions, norms, and dispute resolution processes located and developed in various structured places around the world". Carol Harlow[28], in her study, concluded that there is justified skepticism about global administrative law. Perhaps pluralism and diversity are the best options.

The example of the response of the world's states to the epidemic challenges of recent years is rather in favor of the development of global administrative law. Governments of countries are faced with the need to ensure the public interest in the field of health, the essence of which is to preserve the life and health of people and choose similar means of ensuring it. Moreover, their application occurs mainly within the framework of administrative relations and using tools of administrative influence.

Thus, the global crisis has become a kind of trigger for the unification of tools of influence, which in turn is the basis for the development of global administrative law. The latter can serve as a lever for overcoming and countering pandemic threats not only locally, but also on an international scale. Thus, as already noted, crises are favorable for the development of global

[27] F. SNYDER, *Governing Economic Globalization: Global Legal Pluralism and EU Law*, in *European Law Journal*, 5(4) (2002), pp. 334-374.
[28] C. HARLOW, *Global Administrative Law: The Quest for Principles and Values*, in *European Journal of International Law*, 17(1) (2006), pp. 187-214.

administration and global administrative law[29]. It is now clear that Global Health Administration can prevent or at least substantially reduce the damage caused by the pandemic. The global administrative law is placed in a space regulated by administrative law outside the state[30], it may become the legal basis for such administration. According to Professors B. Kingsbury and M. Donaldson[31], the specificity of global administrative law is that it is based on the administration of what can be called a global administrative space, the existence of which contributes to the blurring of national and international, public and private dimensions. This blurring can help reduce the conflict between public and private interests.

According to V. G. Pugach[32], global administrative law considers administrative activity as one that can be performed outside the framework of national legal regulation, and the status of administrative bodies will be acquired by global and transnational institutions. It can be assumed that this is the status that WHO lacks for the effective implementation of anti-epidemic measures. Therewith, as noted by G. Dimitropoulos[33], the administration of global administration is mainly reduced to rulemaking, and not to conventional law enforcement.

Currently, the development of a global administrative law takes place. It does not replace national administrative law but complements it. It can be stated that the development of global administrative law is designed to solve the problem of adapting national mechanisms of administrative regulation for their use in the global administrative space to ensure global public interest. The development of global administrative law in such areas as ensuring sanitary and epidemic well-being, the use of outer space, environmental safety, and the use of information networks is inevitable. The study covers the development of global, not international law. The signs of such "globality" are precisely the global public interest and global space.

6. Conclusions

[29] O. ZYMA, *Global Administrative Law and Regulation of Extraction of Minerals in Outer Space*, in *Advanced Space Law*, 4 (2019), pp. 125-136.

[30] S. L. ESCARCENA, *Investment Disputes Oltre lo Stato: On Global Administrative Law, and Fair and Equitable Treatment*, in *Boston College Law Review*, 59(8) (2018), p. 2685.

[31] B. KINGSBURY – M. DONALDSON, *Global Administrative Law*, Oxford, 2015, pp. 18 ss.

[32] V. G. PUGACH, *The Problem of State Subjectivity in the Optics of the Concept of Global Administrative Law*, in *Actual problems of administrative and legal science (to the 95th anniversary of the birth of R.S. Pavlovsky): materials of the international. science and practice conf. (pp. 79-76)*, Kherson, (2019).

[33] G. DIMITROPOULOS, *Global Administrative Order: Towards a Typology of Administrative Levels and Functions in the Global Legal Order.*, in *European Review of Public Law*, 23(79) (2011), pp. 103-117.

No matter how skeptical the attitude of researchers to global administrative law may be, the future belongs to it. Ultimately, the trend in the development of modern society is a global space for global statehood. The confirmation of this position is supported by the implementation of public-private partnerships, adherence to administrative procedure principles in political decision-making and interstate cooperation, and the participation of private companies in the development of information communications in the public sector. Moreover, the role of supranational institutions in regulating domestic relations is increasing, and there is a unification of administrative and legal tools of influence.

In addition, administrative regulation focuses on international provisions, they combine the general principles of building public power and protecting the rights of individuals, which are at the same time fundamental ideas of administrative law. Such basic principles are perceived by all mankind and are considered standards of administration of a democratic and legal state. Firstly, the constituent elements of the rule of law are at stake. By upholding the rule of law, global administrative law ensures that administrative decisions are made based on established legal principles, providing predictability, accountability, and protection of individual rights. Secondly, procedural principles play a crucial role in global administrative law. Transparency, participation, fairness, and accountability are emphasized to ensure that administrative decision-making processes are inclusive, accessible, and just. Thirdly, the principles of transparency, accountability, effectiveness, and responsiveness are promoted to enhance the quality of administrative decision-making and the provision of public services. And lastly, global administrative law encourages administrative bodies to operate in the public interest and deliver services efficiently and equitably. All these dominants are perceived by most legal systems, perhaps known by different names, but with similar content (rule of law, good governance, mandatory guardianship). Law, which is developed outside the framework of a nation-state, especially at the European level, is based on the recognition of certain fundamental principles of the general tradition of the states concerned (for example, the rule of law), and on the revision of certain other constructions, such as body governed by public law, which was applied to separate the public sector from the private. In addition, the universality of human rights is always accompanied by a common public interest. Thus, conventional national law is now marked by signs of globality, which undoubtedly makes adjustments to its content and purpose. Thus, the question arises about the subjects of administrative power: whether they

will retain the status of national, or whether some functions will be delegated to the subjects of the transnational level, which may indicate the loss of sovereignty of administrative law.

Abstract. The purpose of this study is to clarify the role of administrative law in ensuring the global public interest, outline the approaches that are used in administrative regulation when formulating the content of public interest, ways to ensure it, and the ratio of public and private interests of individuals, establish whether administrative law acquires signs of globality. Methods such as observation, analysis, generalization, and abstraction were used in the study. It was established that the development of global administrative law is designed to solve the problem of adapting national mechanisms of administrative regulation for their use in the global administrative space to ensure global public interest. The development of global administrative law in such areas as ensuring sanitary and epidemic well-being, the use of outer space, environmental safety, and the use of information networks is inevitable. The study covers the development of global, not international law. The signs of such "globality" are precisely the global public interest and global space.

Keywords: society - administrative regulation – constitution - global space - protection