

# Jurisdictional Fragmentation and Structural Accountability Vacuums in Administrative Law

## Abstract

This article examines a structural accountability gap in European administrative law: situations in which multiple supervisory mechanisms exist yet none generates substantive legality review of a legally operative administrative act. Drawing on a documented Finnish building inspection dispute involving twelve authorities over four years, the article demonstrates how procedurally coherent jurisdictional decisions may cumulatively produce systemic review exclusion.

The case concerns a final inspection conducted after permit expiry. Although the legality of the inspection was formally contested before administrative courts, civil courts, and supervisory authorities, no forum undertook substantive judicial review of the statutory basis of the act. Each institutional actor operated within defensible procedural boundaries, yet the interaction of those boundaries prevented review.

The article conceptualizes this configuration as “mutually exclusive procedural gateways,” whereby administrative courts classify acts as non-appealable, civil courts decline to assess administrative legality, and supervisory authorities exercise discretionary non-intervention. The distributed procedural structure produces review exclusion without any single institutional refusal.

Comparative analysis with German administrative law (*Gesetzesvorbehalt*, Article 19(4) GG) and EU requirements of effective judicial protection (Article 19 TEU; Article 47 CFR) suggests that supervisory multiplicity may coexist with structural review exclusion. Effective protection requires architectural coherence ensuring that every legally operative administrative act is reviewable somewhere within the judicial system.

The article contributes to transnational administrative law scholarship by distinguishing institutional circulation from institutional correction and by demonstrating how fragmented review competences may generate accountability gaps even in mature rule-of-law systems.

Methodologically, the article is based on a document-centered case study using publicly available primary sources (K1–K102), including court records, supervisory decisions, and sworn testimonies, archived in a publicly accessible bilingual (Finnish/English) document repository maintained by the author at <https://oikeusjavelvollisuus.fi/documents-en/>.

The primary documents (K1–K102) are in Finnish; the author provides translated summaries in this article and full documents are available upon request for academic verification.

# I. INTRODUCTION

## A. The Problem of Supervisory Architecture

European administrative law rests on a foundational premise: unlawful administrative action must, in principle, be capable of correction through institutional mechanisms. This premise underpins the rule-of-law requirement that public power remain subject to legal constraints. Contemporary systems have responded by developing dense supervisory architectures, including hierarchical oversight within administration, ombudsman institutions, multi-tiered judicial review, and ministry-level monitoring.

Yet supervisory density does not guarantee supervisory effectiveness. This article examines a phenomenon that has received limited systematic attention in comparative administrative law scholarship: **institutional non-correction**—situations in which a contested administrative act moves through multiple oversight and review channels without any forum undertaking **substantive legality review** of its statutory basis.

Institutional non-correction should be distinguished from institutional silence (absence of engagement), deliberate obstruction (active prevention of review), and corruption (irregular decisions for improper purposes). The phenomenon analysed here arises, rather, when procedurally coherent jurisdictional boundaries interact to produce systemic review exclusion. Each institutional actor may operate within defensible legal rationales; cumulatively, however, the architecture may prevent substantive assessment.

## B. Research Gap

Existing scholarship on administrative oversight focuses primarily on the scope and intensity of judicial review, ombudsman effectiveness and investigatory powers, hierarchical supervision within administrative structures, and access-to-justice guarantees. Less attention has been directed toward **architectural failures**—configurations in which multiple oversight mechanisms exist, yet their interaction generates accountability gaps.

German administrative law scholarship has extensively analysed requirements for effective legal protection (Article 19(4) GG; *Gesetzesvorbehalt*), while EU law emphasises the practical effectiveness of remedies (Article 19 TEU; Article 47 CFR). These doctrinal frameworks, however, typically presuppose that jurisdictional boundaries are coherently aligned such that review gaps do not persist.

This article therefore addresses a structural question: what happens when fragmented review competences create **mutually exclusive procedural gateways**, such that no forum possesses both the procedural competence and the doctrinal posture required to assess an act's legality?

## C. The Case

The article draws on a documented Finnish building inspection dispute spanning four years and involving multiple authorities. The case concerns a final building inspection conducted after the statutory validity period of the underlying building permit had expired. Finnish law

presupposes that construction proceeds under a valid permit and that mandatory safety and compliance inspections occur before final approval. The documentary record indicates that these statutory preconditions were contested as unmet.

Over the relevant period, the inspection's legality was raised before administrative courts (including the Supreme Administrative Court), civil courts (District Court proceedings and a pending appeal), and supervisory authorities (including regional supervisory bodies and ombudsman institutions). In District Court proceedings, municipal officials testified that statutory requirements had been interpreted and applied through established administrative practice and internal understandings rather than through a contested judicial determination of statutory meaning.

Despite extensive procedural engagement, **no court** conducted substantive judicial review of the inspection's statutory basis. The Supreme Administrative Court classified the inspection record as non-appealable. The District Court declined to assess the legality of the inspection while simultaneously treating its existence as legally relevant for contractual purposes. Supervisory authorities, for their part, did not generate a corrective legality determination within their discretionary oversight powers.

## D. Theoretical Contribution

This article advances two principal theoretical claims.

First, it conceptualises **mutually exclusive procedural gateways**: a structural configuration in which (i) administrative courts deny review due to classification doctrines (non-appealable acts), (ii) civil courts decline to assess administrative legality (jurisdictional limitation), and (iii) supervisory authorities exercise discretionary non-intervention. Distributed procedural boundaries thereby produce architectural review exclusion without any single institutional refusal.

Second, it introduces a distinction between **institutional circulation** and **institutional correction**. Circulation denotes formal procedural engagement across multiple institutional actors; correction denotes substantive alteration, annulment, or authoritative legality assessment of a defective act. The case demonstrates that circulation may be extensive without producing correction, particularly where jurisdictional fragmentation prevents holistic legality review.

## E. Comparative Significance

While the empirical foundation is Finnish, the structural dynamics have transnational relevance. Continental European administrative law systems commonly feature divided competence between administrative and civil courts, classification doctrines limiting appealability, supervisory discretion in oversight mechanisms, and constitutional commitments to effective legal protection. The interaction of these elements may generate accountability gaps in any system with fragmented review competences. The case thus functions as a revealing illustration of a broader structural vulnerability in mature rule-of-law systems.

## **F. Structure**

Part II outlines the supervisory architecture relevant to building control in Finland and maps the formal engagement that occurred. Part III analyses why engagement did not produce substantive correction, introducing the concept of mutually exclusive procedural gateways. Part IV situates institutional non-correction as a rule-of-law problem distinct from corruption or arbitrariness. Part V provides comparative context through German administrative law and EU legal protection requirements. Part VI synthesises theoretical insights concerning architectural accountability gaps. Part VII discusses implications for transnational administrative law reform.

## **G. Scope and Limitations**

The empirical analysis follows a “process-tracing” logic focused on institutional decision points and jurisdictional classification effects, rather than on the technical merits of construction compliance.

This article does not seek to determine individual fault, assess the subjective intentions of administrative officials, or adjudicate the underlying private dispute on its merits. Nor does it advance a generalised claim concerning systemic corruption or structural illegality within Finnish administrative law.

Rather, the analysis is confined to institutional architecture: the interaction of jurisdictional boundaries, review doctrines, and supervisory discretion in a documented case. The case functions as an analytical lens through which to examine a structural configuration. The question addressed is not whether particular actors erred, but whether the design of review competences can, under certain conditions, generate situations in which legality remains unexamined despite extensive procedural engagement.

The article therefore treats the Finnish dispute as an illustrative case study for a broader theoretical inquiry into accountability gaps in fragmented systems of administrative review.

# **II. CASE DESCRIPTION: THE FINNISH BUILDING INSPECTION DISPUTE**

(with primary source references)

## **A. Statutory Framework and Permit Validity**

The case arises from a residential construction project undertaken pursuant to a municipal building permit issued by the City of Naantali. Under the Finnish Land Use and Building Act (Maankäyttö- ja rakennuslaki, “MRL”), construction requires a valid building permit. Building permits lapse if construction is not completed within the statutory validity period unless formally extended.

The permit at issue expired prior to the final inspection, and no formal extension decision is documented in the materials produced in response to information requests.<sup>1</sup>

---

<sup>1</sup> See K37, *Transcript of Phone Conversation – Expired Permits* (Apr. 6, 2022) (discussing inspection practices after permit expiry); K94, Dr. Tech. Vesa Virtanen, *Expert Opinion on Building Project* (Jan. 19, 2023) (analysing permit lapse and legal consequences); K76, *Appeal to the Supreme Administrative Court* (Dec. 29, 2023) (raising permit validity as central legal issue). All primary documents cited in this article (K1–K102) are publicly available in redacted form in the document archive maintained by the author.

## B. The Final Inspection After Permit Expiry

A final building inspection was conducted on 9 October 2020 despite the lapse of the original permit.<sup>2</sup> The inspection record certified approval without remarks (*ei huomautettavaa*).

Subsequent proceedings contested whether mandatory interim inspections had been completed and properly documented prior to final approval.<sup>3</sup> Information requests submitted to the building control authority indicated that several statutory inspection documents were missing.<sup>4</sup>

---

<sup>2</sup> See K88, *Witness Testimony: Building Inspector Tuomas Ellilä* (Oct. 8, 2025) (confirming inspection date); K77, *Supreme Administrative Court Decision* (Mar. 27, 2024) (classifying inspection record as non-appealable).

<sup>3</sup> See K94, Virtanen, *supra* note 1 (reviewing inspection sequence); K95, *Virtanen Witness Testimony* (Oct. 3, 2025); K97–K100 (expert measurement reports and testimony concerning structural and technical compliance).

<sup>4</sup> See K17, *Information Request – Structural Plans and Inspection Documents* (Apr.–May 2023) (authority response acknowledging missing documents); K30, *Building Control Responses to Additional Clarification Request* (Aug. 31, 2023); K32, *Summary of Building Control Responses to Information and Clarification Requests* (Apr. 21 – Sep. 30, 2023); K33, *Building Control Inspection Summary* (Mar. 21, 2022).

## C. Municipal-Level Proceedings

Between 2021 and 2023, complaints and compensation claims were submitted to municipal authorities concerning the inspection and related building control procedures.<sup>5</sup> The City Board rejected the compensation claim.<sup>6</sup>

Administrative complaints were also filed with the Building Committee, which concluded that building control had acted properly.<sup>7</sup>

---

<sup>5</sup> See K1–K4 (Residents’ Joint Complaint and Compensation Claim Materials, Dec. 2021–Jan. 2022).

<sup>6</sup> See K11, *City Board Decision Proposal* (Mar. 28, 2022); K12, *City Board Official Decision* (Mar. 28, 2022).

<sup>7</sup> See K13–K16 (Administrative Complaint and Building Committee Decision, May–Aug. 2023).

## **D. Administrative Court Proceedings**

An appeal challenging the legality of the final inspection was filed within the administrative court system and ultimately decided by the Supreme Administrative Court.

The Court classified the inspection record as non-appealable.<sup>8</sup> It held that the inspection constituted a factual administrative notation rather than a reviewable decision producing independent legal effects. Accordingly, the appeal was dismissed without substantive examination of the statutory basis of the inspection.

---

<sup>8</sup> See K76, *Appeal to the Supreme Administrative Court* (Dec. 29, 2023); K77, *Supreme Administrative Court Decision* (Mar. 27, 2024) (holding that the final inspection record is not an appealable administrative decision).

## **E. Civil Court Proceedings**

Parallel civil proceedings were initiated in the District Court, framing the matter as a contractual dispute concerning property defects and disclosure obligations.<sup>9</sup>

The District Court declined to assess the legality of the administrative inspection, reasoning that review of administrative acts falls within administrative jurisdiction. At the same time, the Court treated the inspection record as legally relevant for purposes of contractual assessment.<sup>10</sup>

An appeal to the Court of Appeal is pending.<sup>11</sup>

---

<sup>9</sup> See K79–K82 (District Court pleadings and procedural submissions, Jan.–Apr. 2025).

<sup>10</sup> See K78, *District Court Judgment* (Oct. 24, 2025) (rejecting nullity claim while declining to review legality of inspection).

<sup>11</sup> See K86, *Appeal to Court of Appeal* (Nov. 23, 2025) (pending).

## **F. Sworn Testimony Concerning Administrative Practice**

During District Court proceedings, four municipal officials testified under oath regarding inspection practice and permit validity.<sup>12</sup>

The testimony described the inspection approach as reflecting established administrative practice and collegial interpretation within the authority.<sup>13</sup> The transcripts reflect awareness of statutory provisions governing permit validity and inspection sequencing.<sup>14</sup>

---

<sup>12</sup> See K88 (Ellilä Testimony); K89 (Aro Testimony); K90 (Ojala Testimony); K91 (Kuokkanen Testimony), all District Court hearings (Oct. 2025).

<sup>13</sup> See K89, *Aro Testimony* (referring to “common interpretations” within building control); see also K56, *City’s Statement to Investigation Request* (Dec. 18, 2023) (referring to established administrative practice).

<sup>14</sup> See K54, *City’s Statement to Police* (Oct. 14, 2022) (acknowledging deviation from statutory procedure); K88–K91 (witness transcripts).

## **G. Supervisory and Criminal Complaints**

Complaints were submitted to police authorities, the Parliamentary Ombudsman, and the Regional State Administrative Agency (AVI), as well as to the Ministry of Finance concerning supervisory procedure.<sup>15</sup>

In each instance, the relevant authority declined to undertake corrective measures affecting the validity of the inspection.

---

<sup>15</sup> See K52–K57 (Police Investigation Requests and Decisions, 2022–2024); K58–K62 (Ombudsman Complaints and Decisions, 2022–2024); K63–K70 (AVI Proceedings and Decision, Sept. 19, 2024); K71–K74 (Ministry of Finance Complaint and Decision, Dec. 19, 2024).

## **H. Independent Third-Party Legal Assessment**

An insurance provider (LähiTapiola) conducted an independent legal assessment for purposes of legal protection coverage. The insurer initially characterised the dispute as

administrative in nature but subsequently concluded that the matter concerned civil claims and granted coverage.<sup>16</sup>

This shift reflects jurisdictional ambiguity concerning the appropriate forum for adjudicating the legal implications of the inspection.

---

<sup>16</sup> See K87, *LähiTapiola Legal Protection Decision* (Jan. 15, 2026) (reversing prior position and granting coverage for civil proceedings).

## I. Circulation Without Substantive Legality Review

Across municipal, supervisory, criminal, administrative, and civil pathways, formal procedural engagement occurred. Administrative courts declined review on classification grounds; civil courts declined legality assessment while proceeding on contractual claims; supervisory authorities declined corrective intervention; police declined preliminary investigation.

The documentary record (K1–K102) demonstrates repeated institutional processing of the matter without annulment, reconsideration, or substantive judicial review of the final inspection’s statutory basis.

This configuration provides the empirical foundation for the theoretical analysis that follows.

## III. The Supervisory Architecture

European administrative systems do not rely solely on primary decision-making authorities. They are structured through layered supervisory mechanisms intended to prevent illegality from persisting and to ensure the availability of effective remedies.

The supervisory architecture relevant to building control in Finland comprises multiple institutional levels with distinct but partially overlapping competences.

At the municipal level, the building supervision authority exercises primary regulatory and inspection powers under the Land Use and Building Act. Internal hierarchical supervision operates within the municipality through technical directors and administrative leadership.

At the regional level, the Regional State Administrative Agency (AVI) performs supervisory functions concerning legality and administrative compliance. Its competence is not appellate but supervisory in character, involving discretion to investigate administrative complaints and issue guidance.

At the national level, two constitutional oversight institutions—the Parliamentary Ombudsman and the Chancellor of Justice—exercise legality supervision over public

authorities. Their competence includes investigatory powers and the ability to issue critical opinions, though not to annul administrative acts.

Normative oversight at ministerial level is exercised by the Ministry of the Environment, which provides regulatory guidance and sectoral coordination but does not function as an appellate body for individual inspection acts.

Judicial review is divided between:

1. Administrative courts, which review appealable administrative decisions; and
2. Civil courts, which adjudicate contractual and tort disputes and may encounter administrative acts incidentally.

The Finnish Constitution guarantees the right to have one's case heard by a court and to obtain review of administrative action affecting rights and obligations (Section 21 of the Constitution of Finland). At the European level, Article 19 TEU and Article 47 of the Charter of Fundamental Rights require Member States to ensure effective judicial protection in fields covered by Union law.

Formally, therefore, the architecture contains multiple potential corrective nodes:

- Hierarchical supervision
- Regional legality supervision
- Constitutional legality oversight
- Administrative judicial review
- Civil judicial review

The documented case demonstrates formal engagement at each of these levels. Complaints were filed; appeals were submitted; supervisory authorities processed the matter; judicial proceedings were initiated.

The analytical question is not whether individual institutional actors complied with internal procedural norms within their respective competences. Rather, the structural question is whether the interaction of these competences generated substantive correction of the contested administrative act.

In other words, the issue is not individual error but systemic output: did the architecture, as designed and applied, produce legality review?

In functional terms, the layers differ in remedial capacity: municipal hierarchy may reconsider practice; AVI may investigate and issue supervisory guidance; the Ombudsman and Chancellor may issue critical opinions and initiate legality supervision measures;

administrative courts may annul appealable decisions; civil courts adjudicate private-law consequences and do not function as appellate bodies reviewing administrative acts. The case is analytically significant because each layer was engaged, yet the remedial capacities did not aggregate into a forum for substantive legality assessment.

The following section examines why, despite institutional multiplicity, no forum undertook substantive assessment of the inspection's statutory basis.

## IV. Formal Engagement Without Substantive Correction

The documentary record demonstrates extensive procedural engagement with the contested inspection. Formal complaints were submitted at municipal, regional, and national levels. The legality of the inspection was explicitly challenged on statutory grounds, including arguments concerning permit expiry and mandatory inspection sequencing. Judicial proceedings were initiated in both administrative and civil courts. Each institutional actor acknowledged receipt of the matter and processed it according to applicable procedural norms.

Yet no forum undertook substantive legality review of the inspection's statutory basis.

For purposes of this article, "substantive legality review" refers to judicial or supervisory assessment of whether the contested administrative act complied with the statutory provisions governing its validity. It does not encompass procedural dismissals, competence-based refusals, or discretionary decisions not to intervene.

Under Finnish administrative procedural doctrine, appealability depends on whether an act constitutes an administrative decision producing independent legal effects; factual notations and certain measures fall outside appellate review. The Supreme Administrative Court classified the final inspection record as a non-appealable administrative notation (*merkintä*) rather than a reviewable decision (*päätös*).<sup>20</sup> The Court reasoned that the inspection record constituted a factual administrative notation and therefore did not produce independent legal effects. The appeal was dismissed on procedural grounds, without examination of whether conducting a final inspection after permit expiry complied with the Land Use and Building Act.

<sup>20</sup> K77, *Supreme Administrative Court Decision* (Mar. 27, 2024).

Parallel civil proceedings did not generate review either. The District Court declined to assess the legality of the inspection, reasoning that review of administrative acts lies within the competence of administrative courts.<sup>21</sup> At the same time, however, the Court treated the inspection record as legally relevant for purposes of assessing contractual obligations. The inspection was thus simultaneously treated as beyond review and legally operative. The Court rejected nullity claims but did not independently assess whether the statutory preconditions for valid final approval were satisfied.

<sup>21</sup> K78, *District Court Judgment* (Oct. 24, 2025), §§ 4.2–4.3.

The jurisdictional ambiguity of the matter is further illustrated by the position of an independent insurance provider. Initially, the insurer characterised the dispute as administrative in nature and declined coverage. Upon further analysis, it concluded that the matter concerned civil claims and granted legal protection for civil proceedings.<sup>22</sup> This shift does not determine the proper jurisdiction; rather, it evidences uncertainty regarding which institutional pathway was competent to address the legal consequences of the inspection.

<sup>22</sup> K87, *LähiTapiola Legal Protection Decision* (Jan. 15, 2026).

Across these institutional responses, the pattern is consistent: procedural engagement without substantive legality determination. Administrative courts declined review based on classification doctrine; civil courts declined review based on jurisdictional limits; supervisory authorities exercised discretion not to intervene. Each decision was defensible within its institutional logic.

The result was not institutional silence. It was institutional circulation.

The dispute moved across multiple forums without any forum conducting assessment of whether the inspection complied with statutory requirements governing permit validity. The absence of correction thus did not stem from a single refusal but from the interaction of competences.

This interaction constitutes the structural phenomenon examined in the following section: mutually exclusive procedural gateways.

## **V. Institutional Circulation vs. Institutional Correction**

The case demonstrates a phenomenon requiring conceptual clarification: the distinction between institutional circulation and institutional correction.

Accountability analysis often focuses on whether complaints or appeals are formally processed. The existence of procedural engagement is frequently treated as evidence of functioning oversight. However, procedural engagement and substantive correction are analytically distinct.

Institutional circulation refers to the movement of a contested matter across multiple institutional actors, each processing the matter according to its procedural rules. Circulation may be extensive: complaints acknowledged, hearings held, written submissions received, decisions issued. Institutional mechanisms operate, and formal responses are generated.

Institutional correction, by contrast, refers to substantive outcomes that alter, annul, or authoritatively assess the legality of a contested administrative act. Correction may take the form of annulment by a supervisory authority, invalidation by a court, administrative reconsideration prompted by hierarchical oversight, or judicial determination that the act complied or failed to comply with applicable law. The critical variable is not procedural activity but whether the legality of the act is substantively addressed.

The documented case exhibits extensive circulation without correction. Engagement occurred at municipal, regional, national, and judicial levels. Each forum processed the

matter within its competence. Yet no forum undertook substantive assessment of whether the inspection complied with statutory requirements governing permit validity.

This outcome did not result from procedural obstruction or overt institutional refusal. Rather, it resulted from the interaction of decisions that were each coherent within their respective institutional frameworks.

Administrative courts applied classification doctrine. Under Finnish administrative law, appellate review is limited to appealable administrative decisions (*päätökset*). The Supreme Administrative Court classified the inspection record as a non-appealable notation (*merkintä*). This reasoning was consistent with established doctrinal distinctions between decisions and factual measures. The result, however, was that no administrative court assessed the statutory validity of the inspection.

Civil courts respected jurisdictional boundaries. The District Court reasoned that reviewing the legality of administrative acts falls within administrative jurisdiction. This reflects structural separation between administrative and civil courts in Continental European systems. At the same time, the inspection record was treated as legally relevant in the contractual analysis. Thus, the act was recognised as legally operative while remaining outside the scope of legality review in that forum.

Supervisory authorities exercised statutory discretion. Oversight bodies such as the Parliamentary Ombudsman and the Regional State Administrative Agency possess competence to investigate complaints but are not obliged to intervene in every matter raised. Their decisions not to pursue corrective action fell within their discretionary mandates.

Each decision was individually coherent within its procedural logic. No single actor exceeded formal competence or disregarded procedural norms. Yet cumulatively, these decisions produced an outcome in which no institution conducted substantive legality assessment.

From a rule-of-law perspective, this raises a structural question. Systems committed to effective judicial protection presuppose that legally operative administrative acts are reviewable somewhere within the judicial architecture. Where jurisdictional boundaries align such that each forum declines review for competence-based reasons, the result is not institutional malfunction but architectural exclusion.

The phenomenon may therefore be conceptualised as the interaction of mutually exclusive procedural gateways: each institutional pathway is internally coherent, yet the pathways do not overlap sufficiently to ensure that legality is assessed.

The following section situates this configuration within broader rule-of-law doctrine and comparative administrative law.

## **VI. Structural Non-Correction as a Rule-of-Law Problem**

Rule-of-law doctrine traditionally emphasises several core constraints on administrative power: legality grounded in statute, judicial independence, and access to courts. These requirements are reflected in national constitutional traditions and supranational instruments,

including Article 6 of the European Convention on Human Rights, Article 47 of the Charter of Fundamental Rights of the European Union, and Article 19 TEU, which obliges Member States to ensure effective judicial protection.

Much of the doctrinal focus has been directed toward ensuring that legal norms are accessible and foreseeable, that adjudication is free from political interference, and that individuals possess procedural standing to seek judicial review. Less analytical attention has been directed toward a structural vulnerability: configurations in which these formal requirements are satisfied, yet systemic outcomes fail to produce substantive legality control.

The documented case illustrates such a configuration.

The statutory framework governing building permits contains defined provisions regarding permit validity and inspection sequencing. Judicial independence is not contested; courts acted within their constitutional roles. Access to judicial fora was available; appeals were filed and processed in both administrative and civil jurisdictions.

Yet no forum undertook substantive legality assessment of the contested inspection.

Three structural elements converge:

First, the administrative act was legally operative. The final inspection record was relied upon in contractual adjudication and treated as evidence of regulatory compliance. It had legal relevance within the system.

Second, multiple supervisory and judicial mechanisms existed and were formally engaged. Municipal oversight, regional supervision, constitutional legality supervision, administrative courts, and civil courts all processed the matter within their respective competences.

Third, substantive legality review did not occur. No authority annulled the act, ordered reconsideration, or authoritatively determined whether the inspection complied with statutory requirements.

This combination—legal operativeness, institutional multiplicity, and absence of legality review—constitutes what this article terms institutional non-correction.

Institutional non-correction must be distinguished from corruption, arbitrariness, or deliberate obstruction. It does not presuppose improper motive or procedural irregularity. Rather, it arises from procedural compartmentalisation: the distribution of competences across multiple institutions in a manner that prevents holistic legality assessment.

In the documented case, each institution acted within its assigned competence. Administrative courts applied classification doctrine; civil courts respected jurisdictional separation; supervisory authorities exercised statutory discretion. No actor exceeded formal authority. Yet the interaction of these competences generated systemic review exclusion.

From a rule-of-law perspective, this raises a structural question: is the formal availability of review mechanisms sufficient to satisfy the requirement of effective judicial protection, or does the rule of law require architectural coherence ensuring that every legally operative administrative act is substantively reviewable somewhere within the judicial structure?

The comparative analysis that follows examines doctrinal and structural mechanisms in other European systems designed to prevent such accountability gaps.

## VII. Comparative Context

### A. German Administrative Law

German administrative law provides a useful comparative reference for assessing how alternative doctrinal and structural configurations address the risk of review gaps in systems characterised by jurisdictional differentiation.

The German system incorporates several interlocking mechanisms that prioritise substantive reviewability over rigid procedural classification.

First, judicial review competence is broadly construed. Article 19(4) of the German Basic Law (Grundgesetz) guarantees that anyone whose rights are violated by public authority shall have recourse to the courts (*Wer durch die öffentliche Gewalt in seinen Rechten verletzt wird, kann den Rechtsweg beschreiten*).<sup>23</sup> This constitutional guarantee is interpreted as establishing a general presumption in favour of judicial reviewability of administrative action affecting individual rights. The provision is understood not merely as a formal access clause but as a structural safeguard against review exclusion.

<sup>23</sup> Grundgesetz für die Bundesrepublik Deutschland [GG] [Basic Law], Art. 19(4).

Second, German administrative doctrine emphasises the *Gesetzesvorbehalt* (statutory reservation principle), according to which administrative action affecting legally protected interests must have a clear statutory basis. While the principle primarily constrains administrative discretion, it also reinforces the expectation that statutory preconditions governing administrative action are subject to judicial scrutiny. Where statutory validity requirements—such as permit duration or mandatory inspection sequences—are contested, courts generally treat compliance as a legal question rather than a matter shielded by administrative characterisation.<sup>24</sup>

<sup>24</sup> See Fritz Ossenbühl & Matthias Cornils, *Staatshaftungsrecht* (6th ed. 2013), at 34–45; Hartmut Maurer & Christian Waldhoff, *Allgemeines Verwaltungsrecht* (20th ed. 2020), § 6, paras. 8–15.

Third, German jurisprudence mitigates the risk that formal classification shields legality review. The distinction between *Verwaltungsakte* (administrative acts) and *factual measures* (*Realakte*) exists in German law, as in other Continental systems. However, reviewability is generally linked to legal effect rather than formal label. Where an administrative measure produces legally relevant effects affecting protected interests, German courts generally treat it as subject to judicial review irrespective of its formal classification.<sup>25</sup> Although classification doctrines also exist in German law, their interaction with Article 19(4) GG reduces the likelihood of systemic review exclusion. The decisive inquiry concerns whether legally protected interests are affected.

<sup>25</sup> Bundesverwaltungsgericht [BVerwG] [Federal Administrative Court], Judgment of 25 January 1996, 4 C 5/95, *Neue Juristische Wochenschrift* [NJW] 1996, 1636.

In a configuration analogous to the documented Finnish case—where a final inspection is conducted after permit expiry—the combination of Article 19(4) GG, the Gesetzesvorbehalt doctrine, and effect-oriented reviewability standards would significantly reduce the likelihood of jurisdictional fragmentation producing review exclusion. The structural emphasis lies on ensuring that legally operative administrative conduct is reviewable somewhere within the judicial architecture.

## B. EU Law Requirements

At the level of European Union law, the principle of effective judicial protection imposes structural requirements on Member State review systems.

Article 19(1) TEU obliges Member States to “provide remedies sufficient to ensure effective legal protection in the fields covered by Union law.” Article 47 of the Charter of Fundamental Rights guarantees the right to an effective remedy before an independent tribunal for anyone whose EU law rights have been violated.

The Court of Justice of the European Union (CJEU) has repeatedly emphasised that effective judicial protection requires more than formal access to procedures. In *Unibet*, the Court held that national procedural rules must not render the exercise of EU law rights “impossible in practice or excessively difficult.”<sup>26</sup> In *DEB*, the Court reaffirmed that effective judicial protection constitutes a general principle of EU law derived from common constitutional traditions and reflected in Articles 6 and 13 ECHR.<sup>27</sup>

<sup>26</sup> Case C-432/05, *Unibet Ltd v. Justitiekanslern*, ECLI:EU:C:2007:163, paras. 43–44.

<sup>27</sup> Case C-279/09, *DEB Deutsche Energiehandels- und Beratungsgesellschaft mbH v. Germany*, ECLI:EU:C:2010:811, para. 30.

Crucially, the assessment of effectiveness is systemic rather than merely formal. The mere existence of multiple procedural avenues does not suffice if, in practice, the interaction of jurisdictional boundaries prevents substantive examination of legally protected interests. Effectiveness concerns not only access but the architecture of review mechanisms.

While the Court has not directly addressed a configuration identical to that documented here—where classification doctrine and jurisdictional compartmentalisation combine to prevent substantive review without explicit denial of access—its jurisprudence suggests that systemic review exclusion would raise serious concerns under Article 19 TEU and Article 47 of the Charter. The principle articulated in *Factortame*—that national procedural rules must yield where they prevent effective protection of EU law rights—reinforces this structural orientation.<sup>28</sup>

<sup>28</sup> Case C-213/89, *The Queen v. Secretary of State for Transport, ex parte Factortame Ltd*, ECLI:EU:C:1990:257, para. 19.

## C. Implications for Transnational Analysis

The comparative review demonstrates that alternative legal architectures prioritise substantive reviewability over formal classification.

German administrative law achieves this through:

- a constitutional presumption in favour of judicial recourse (Article 19(4) GG),
- doctrinal emphasis on statutory legality (Gesetzesvorbehalt), and
- jurisprudence linking reviewability to legal effects rather than administrative labels.

EU law reinforces this orientation by requiring effective judicial protection assessed at the systemic level, not merely through the formal availability of procedures.

Neither system eliminates jurisdictional differentiation or doctrinal classification. However, both incorporate structural safeguards that reduce the likelihood that procedural compartmentalisation will generate accountability gaps. The shared structural feature is architectural coherence: the alignment of jurisdictional competences such that legally operative administrative acts are substantively reviewable somewhere within the system.

The documented Finnish configuration differs not because review mechanisms are absent, but because their interaction allows legally operative administrative conduct to circulate without substantive legality determination.

This comparative insight reframes the empirical case. The issue is not national idiosyncrasy, nor individual institutional error. It concerns a structural condition identifiable through comparative administrative law analysis: the possibility that formally coherent institutional designs may nonetheless permit systemic non-correction.

The theoretical implications of this structural phenomenon are addressed in the concluding section.

## **VIII. Theoretical Synthesis**

Supervisory density is not synonymous with legality control. Where jurisdictional competences are fragmented and doctrinal gateways are mutually exclusive, institutional multiplicity may generate procedural motion without producing substantive correction.

The documented case illustrates this structural dynamic and supports a broader theoretical claim: accountability outcomes in administrative law depend not merely on the presence of oversight institutions, but on the architectural alignment of their competences.

Conventional scholarship often treats institutional density as a safeguard against illegality. Layered oversight—hierarchical supervision, ombudsman institutions, and judicial review—is commonly assumed in administrative law scholarship to reduce the likelihood that administrative illegality persists uncorrected. Institutional density is often described as a structural safeguard.

The empirical configuration examined in this article challenges that assumption. It demonstrates that institutional density may coexist with accountability gaps where jurisdictional fragmentation prevents substantive legality assessment. Multiple supervisory mechanisms existed and were formally engaged. Yet no institution undertook authoritative review of the contested act's statutory basis. The problem is not the absence of oversight institutions but the interaction of their competences.

This configuration can be conceptualised through three interrelated theoretical propositions.

## A. Circulation and Correction as Distinct Analytical Categories

First, accountability analysis must distinguish between *institutional circulation* and *institutional correction*.

Institutional circulation refers to procedural engagement: the movement of a contested matter across institutional actors, with formal acknowledgment, processing, and decision-making. Complaints are registered. Appeals are filed. Hearings occur. Written decisions are issued. The institutional machinery functions.

Institutional correction, by contrast, refers to substantive legality control: annulment, reconsideration, or authoritative judicial assessment of whether an administrative act complies with governing law. Correction alters the legal status of the act or definitively determines its conformity with statutory requirements.

The documented case exhibited extensive circulation. Municipal, regional, national, and judicial forums processed the matter. Each actor issued decisions within its procedural framework. Yet correction did not occur. No forum undertook substantive review of whether the inspection complied with statutory preconditions governing permit validity and mandatory inspections.

This distinction is analytically significant because circulation may create the appearance of accountability without producing legality control. Institutional motion does not guarantee institutional output. From a rule-of-law perspective, the critical question is not whether procedures are activated, but whether legality is substantively assessed.

## B. Mutually Exclusive Procedural Gateways

Second, accountability gaps may arise through what this article terms *mutually exclusive procedural gateways*.

In systems characterised by divided jurisdiction and layered supervision, review pathways are structured through doctrinal and institutional boundaries. Where these boundaries are internally coherent yet insufficiently overlapping, they may produce systemic review exclusion.

The documented case reveals three such gateways:

1. **Administrative courts** applied classification doctrine. Appeals are limited to reviewable administrative decisions (päätokset). The contested inspection record

was classified as a non-appealable notation. Within administrative procedural logic, the dismissal followed established doctrine.

2. **Civil courts** respected jurisdictional separation. They declined to assess the legality of administrative acts, reasoning that such determinations fall within administrative jurisdiction. Within civil procedural logic, this restraint was defensible.
3. **Supervisory authorities** exercised statutory discretion. Ombudsman and regional supervisory bodies are empowered—but not obligated—to investigate and intervene. Non-intervention was within their discretionary competence.

Each gateway was procedurally coherent. No institution exceeded its formal authority. No single decision was arbitrary within its institutional framework.

Yet the gateways were mutually exclusive. Administrative courts declined review due to classification. Civil courts declined review due to jurisdictional separation. Supervisory authorities declined review due to discretion. No institutional layer functioned as a residual legality forum capable of absorbing review when other pathways closed.

The result was structural review exclusion. The interaction of competences—not their absence—produced non-correction.

### **C. Institutional Non-Correction as Structural Vulnerability**

Third, the phenomenon may be conceptualised as *institutional non-correction*: a structural condition in which an administrative act produces legal consequences, multiple supervisory mechanisms exist, yet none generates substantive legality assessment.

Institutional non-correction differs from corruption, capture, arbitrariness, or deliberate obstruction. It does not require bad faith. It arises from procedural compartmentalisation: the distribution of competences in a manner that prevents holistic legality review.

In the documented configuration:

- The administrative act was legally operative.
- Multiple supervisory mechanisms were engaged.
- No institution performed substantive legality assessment.

This reveals a structural vulnerability in rule-of-law systems that rely on fragmented review competences. Traditional rule-of-law safeguards—statutory clarity, judicial independence, and formal access to courts—may all be satisfied, yet systemic outcomes may still fail to generate legality control.

The vulnerability lies not in individual institutional malfunction but in architectural misalignment.

## D. Rethinking Accountability Architecture

The theoretical implication is that effective legality control requires not merely institutional multiplicity but *architectural coherence*.

Architectural coherence exists where jurisdictional competences are aligned such that every legally operative administrative act is substantively reviewable somewhere within the system. This does not require eliminating classification doctrines or jurisdictional distinctions. It requires ensuring that these doctrines do not collectively prevent review.

Comparative analysis suggests that some systems mitigate review gaps through:

- constitutional presumptions favouring reviewability,
- effect-oriented standards for jurisdiction,
- and doctrinal prioritisation of substantive legality over formal classification.

The central lesson is structural: accountability depends not only on the presence of institutions but on the coordination of their competences.

## E. From Empirical Case to General Insight

The contribution of this article is therefore twofold.

Empirically, it documents a configuration in which procedurally coherent institutional decisions cumulatively produced non-correction. The case illustrates how review exclusion can arise without overt denial of access or institutional dysfunction.

Conceptually, it introduces the analytical tools of:

- institutional circulation versus institutional correction,
- mutually exclusive procedural gateways,
- and institutional non-correction as a structural rule-of-law vulnerability.

These concepts extend beyond the specific national context examined here. They provide a framework for analysing accountability gaps in any administrative system characterised by divided jurisdiction and layered supervision.

The final section turns to the policy implications of this structural analysis.

# IX. Implications for Transnational Administrative Law

The structural analysis developed in this article has implications extending beyond the specific national configuration examined. Although the empirical case arises within the Finnish administrative framework, the phenomenon of institutional non-correction is not jurisdictionally unique. Any administrative system characterised by divided review competences, classification doctrines limiting appealability, and discretionary supervisory mechanisms may exhibit analogous structural vulnerabilities. The implications are therefore transnational.

## A. Structural Lessons for Administrative Design

The documented configuration yields three structural insights relevant to administrative law systems across Europe.

### 1. Statutory Clarity Does Not Ensure Reviewability

First, doctrinal clarity alone is insufficient without effective review pathways. Legislative frameworks may clearly articulate legal requirements—such as permit validity periods, mandatory inspection sequences, or procedural preconditions—yet clarity does not guarantee enforceability through judicial mechanisms. Where institutional competences are distributed such that no forum possesses jurisdiction to undertake substantive legality assessment, statutory norms may remain formally binding yet practically insulated from judicial control.

The case examined in this article illustrates this disjunction. The relevant building control legislation defined the temporal limits of permit validity and the procedural sequencing of inspections. These provisions were neither ambiguous nor contested in their textual content. Yet no court conducted substantive judicial review of compliance with those provisions. The decisive variable was not statutory indeterminacy but institutional reviewability.

From a rule-of-law perspective, the existence of clear norms must be complemented by institutional arrangements that ensure their justiciability.

### 2. Classification Doctrines May Produce Structural Exclusion

Second, classification doctrines—while doctrinally legitimate—may inadvertently exclude legally operative administrative acts from substantive review.

The distinction between appealable administrative decisions and non-appealable measures serves important functions in administrative law. It preserves judicial economy, protects administrative flexibility, and maintains doctrinal coherence. However, where formal classification becomes determinative of reviewability, acts producing legally relevant consequences may fall outside judicial scrutiny.

In the documented case, the final inspection record was classified as a non-appealable administrative notation. This classification was doctrinally coherent within Finnish procedural law. Yet the inspection record was simultaneously treated as legally operative in contractual

adjudication. The interaction of classification doctrine and jurisdictional separation thus produced structural exclusion from substantive legality assessment.

Comparative approaches demonstrate alternative design possibilities. Effect-oriented review standards—where reviewability is linked to legal consequences rather than formal administrative characterisation—reduce the risk that classification functions as a structural barrier. Systems prioritising the legal effects of administrative conduct over its formal designation are less likely to generate review gaps.

The structural lesson is not that classification doctrines should be abandoned, but that their interaction with review competences must be calibrated to avoid systemic exclusion.

### 3. Private Reliance Magnifies Structural Risks

Third, structural non-correction becomes particularly consequential where administrative acts form the legal basis of private transactions.

Administrative approvals—such as permits, inspections, certifications, and authorisations—frequently underpin contractual relations and property transfers. Private parties rely upon their regulatory validity. When such acts are treated as legally operative in private law contexts yet excluded from substantive review within public law adjudication, individuals may be left without effective mechanisms to challenge foundational administrative determinations affecting their legal positions.

The documented configuration exemplifies this dynamic. The inspection record influenced contractual adjudication but was not subjected to judicial legality review. The systemic risk thus extended beyond administrative doctrine to private law reliance structures.

Transnationally, this interaction between public approval and private reliance suggests that reviewability concerns cannot be confined to administrative procedure alone. Architectural coherence must encompass the relationship between public and private adjudicative domains.

## **B. Architectural Coherence as a Structural Requirement**

The central structural implication emerging from this analysis is the requirement of architectural coherence.

Architectural coherence refers to the alignment of jurisdictional competences such that every legally operative administrative act is substantively reviewable somewhere within the judicial structure. It does not require the elimination of jurisdictional divisions between administrative and civil courts. Nor does it mandate universal review competence in every forum. Rather, it requires coordination sufficient to prevent the emergence of mutually exclusive procedural gateways.

Where administrative courts decline review based on classification doctrines, and civil courts decline review based on jurisdictional separation, and supervisory authorities exercise discretionary non-intervention, the interaction of competences may produce institutional

non-correction. Architectural coherence demands that such interactions do not culminate in systemic review exclusion.

This principle is consistent with European constitutional traditions.

Article 19(4) of the German Basic Law guarantees recourse to courts for violations of rights by public authority, interpreted as a structural safeguard ensuring substantive reviewability. EU law, through Article 19 TEU and Article 47 of the Charter of Fundamental Rights, requires effective judicial protection—understood not merely as formal access but as practical effectiveness. Although these provisions do not prescribe institutional models, they reflect a shared normative commitment: administrative action affecting legal positions must be judicially reviewable in substance.

Architectural coherence operationalises that commitment at the systemic level.

### **C. Possible Reform Pathways**

Administrative systems seeking to mitigate the risk of institutional non-correction may adopt reforms at doctrinal, legislative, or institutional levels. These pathways do not presuppose constitutional overhaul; they may be implemented through interpretive development or statutory clarification.

#### **1. Residual Review Competence**

One reform pathway involves recognising residual judicial competence. Under such a model, where primary review mechanisms decline jurisdiction, a designated judicial forum retains authority to assess administrative legality. Residual competence functions as a structural safeguard ensuring that jurisdictional boundaries do not cumulatively foreclose review.

This mechanism need not dissolve jurisdictional separation. It requires only that one forum treats reviewability as a residual obligation rather than a narrowly circumscribed exception.

#### **2. Effect-Based Reviewability Standards**

A second pathway involves linking review competence to the legal consequences of administrative conduct. Where an administrative measure produces legally relevant effects—altering legal status, influencing contractual relations, or affecting regulatory compliance—courts may treat it as substantively reviewable irrespective of formal classification.

Effect-based standards reduce the likelihood that classification doctrines inadvertently shield legality questions from adjudication.

#### **3. Structured Supervisory Backstops**

A third pathway concerns supervisory institutions. Ombudsman bodies and regional supervisory agencies commonly exercise discretion in selecting matters for investigation. While discretion is integral to their function, structural coherence may require that such

institutions serve as corrective backstops where judicial review has been denied on procedural grounds.

This does not require transforming supervisory bodies into courts. It requires ensuring that discretionary oversight does not replicate jurisdictional exclusion already present in judicial pathways.

These reform approaches are not mutually exclusive. Combined, they exemplify how layered oversight systems may be coordinated rather than merely accumulated.

## **D. Transnational Relevance**

The analytical framework developed in this article—distinguishing institutional circulation from institutional correction, identifying mutually exclusive procedural gateways, and conceptualising institutional non-correction—offers tools applicable beyond the Finnish context.

Many European administrative systems share structural characteristics:

- Divided competences between administrative and civil courts;
- Doctrinal distinctions between decisions and non-decisional measures;
- Discretionary supervisory institutions;
- Constitutional commitments to effective judicial protection.

The interaction of these features may, in certain configurations, generate accountability gaps without institutional malfunction or bad faith. The vulnerability is architectural rather than personal.

Comparative administrative law scholarship has extensively analysed individual oversight mechanisms. Less attention has been directed toward the systemic interaction of those mechanisms. The phenomenon of institutional non-correction invites a shift in analytical focus—from evaluating isolated institutions to examining their coordination.

The documented case serves not as evidence of national exceptionalism but as an empirical illustration of a structural possibility inherent in layered administrative architectures. Recognising this possibility enables more precise doctrinal development and institutional design aimed at ensuring that legality is not merely proclaimed but substantively reviewable.

## **Conclusion of Part IX**

Transnational administrative law discourse increasingly emphasises effectiveness, coherence, and rights protection. The analysis presented in this article suggests that these values depend not only on the existence of oversight institutions but on their structural alignment. Institutional multiplicity alone does not guarantee legality control. Architectural

coherence is the condition under which multiplicity becomes effective rather than fragmentary.

The broader implication is that the rule of law in complex administrative systems requires coordination as much as constraint.

## X. CONCLUSIONS

### A. Summary of Findings

This article has examined a documented Finnish case in which a final building inspection was conducted after permit expiry, contested before twelve authorities over a four-year period, yet never subjected to substantive judicial review of its statutory basis. The Supreme Administrative Court classified the inspection as non-appealable. The District Court declined to assess its legality while treating it as legally operative in contractual adjudication. Supervisory authorities exercised discretion not to intervene. Each institutional decision was procedurally defensible within its respective framework. Cumulatively, however, these decisions produced systemic review exclusion.

The empirical configuration demonstrates that extensive procedural engagement—what this article terms *institutional circulation*—may occur without generating substantive legality control—*institutional correction*. Multiple oversight mechanisms were formally activated. None undertook authoritative assessment of statutory compliance.

### B. Theoretical Contribution

The analysis advances three interrelated theoretical contributions.

First, it distinguishes *institutional circulation* from *institutional correction* as analytically separate accountability outcomes. Circulation refers to procedural activity—complaints received, appeals processed, decisions issued. Correction refers to substantive legality control—annulment, reconsideration, or judicial determination of compliance. This distinction matters because circulation may create the appearance of oversight without producing legality review. Accountability must therefore be assessed in terms of institutional output, not institutional motion.

Second, the article conceptualises *mutually exclusive procedural gateways*: configurations in which multiple review pathways exist, each governed by coherent procedural rules, yet their interaction prevents substantive legality assessment. Administrative courts decline review through classification doctrine. Civil courts decline review through jurisdictional separation. Supervisory authorities decline intervention through discretionary competence. The architecture—not individual arbitrariness—produces review exclusion.

Third, the article identifies *institutional non-correction* as a structural rule-of-law vulnerability distinct from corruption, obstruction, or bad faith. Institutional non-correction arises when procedurally coherent decisions cumulatively foreclose holistic legality review. It

demonstrates that statutory clarity, judicial independence, and formal access to courts—though essential—do not alone guarantee effective legality control where jurisdictional fragmentation prevents substantive adjudication.

### **C. Comparative and Transnational Significance**

Although grounded in Finnish administrative law, the structural dynamics identified here have broader relevance. Administrative systems characterised by divided competences, classification doctrines limiting appealability, and discretionary supervisory institutions may generate analogous configurations.

Comparative analysis indicates that alternative doctrinal and constitutional frameworks mitigate this risk. German administrative law emphasises constitutional guarantees of judicial recourse (Article 19(4) GG), statutory reservation (Gesetzesvorbehalt), and effect-oriented review standards. EU law reinforces systemic effectiveness through Article 19 TEU and Article 47 CFR. These frameworks prioritise substantive reviewability over formal classification.

The comparative lesson is structural: effective judicial protection requires alignment of jurisdictional competences such that legally operative administrative acts are substantively reviewable somewhere within the system. This does not eliminate jurisdictional divisions. It requires coordination sufficient to prevent systemic exclusion.

### **D. Limitations and Scope**

This study has three principal limitations.

First, it is based on a single documented case. While the documentation permits detailed structural analysis, broader claims concerning prevalence require comparative empirical investigation across jurisdictions and regulatory sectors.

Second, the article does not adjudicate the merits of the underlying dispute nor attribute individual fault. The focus is institutional architecture—how competences, doctrines, and discretionary mechanisms interact.

Third, the analysis does not assert systemic corruption or pervasive illegality within Finnish administrative law. The case functions analytically: it illustrates a structural possibility inherent in layered oversight systems. The vulnerability identified is architectural rather than cultural or political.

### **E. Directions for Future Research**

The framework developed here invites further inquiry.

Empirical research may examine the frequency of review exclusion in systems with divided judicial competences. Comparative case studies could test the generalisability of mutually exclusive procedural gateways. Quantitative analyses of classification-based dismissals and supervisory non-intervention patterns may reveal systemic tendencies.

Doctrinal research may explore how classification doctrines across jurisdictions interact with reviewability standards. Comparative examination of effect-based versus form-based review competence could inform reform.

Normative research may assess reform pathways designed to enhance structural coherence, including residual review competence, effect-oriented jurisdiction, or structured supervisory backstops.

EU law scholarship may consider whether systemic review exclusion—absent formal denial of access—complies with Article 19 TEU and Article 47 CFR requirements of effective judicial protection. Clarification at supranational level would benefit Member State institutional design.

## **F. Concluding Reflection**

The analysis demonstrates that institutional design, not institutional number, determines accountability outcomes. Institutional density may coexist with accountability gaps where jurisdictional boundaries interact in exclusionary ways.

The broader implication is structural. The rule of law in complex administrative systems depends not only on normative constraints but on institutional coordination. Legal norms are meaningful only where institutional architecture ensures their substantive reviewability.

Where jurisdictional divisions collectively prevent legality assessment, the gap between formal legality and practical enforceability becomes visible. Addressing this vulnerability requires attention not merely to individual institutions but to their alignment.

Effective administrative legality is therefore an architectural achievement. The rule of law, in this sense, is as much a question of coordination as of constraint.

## **References**

### **A. Primary Legal Sources**

Charter of Fundamental Rights of the European Union, 2012 O.J. (C 326) 391.

Constitution of Finland (Suomen perustuslaki) 731/1999.

Grundgesetz für die Bundesrepublik Deutschland [GG] [Basic Law], May 23, 1949, BGBl. I.

Land Use and Building Act (Maankäyttö- ja rakennuslaki) 132/1999 (Fin.).

Treaty on European Union, 2012 O.J. (C 326) 13.

European Convention on Human Rights, Nov. 4, 1950, 213 U.N.T.S. 221.

## B. Case Law

Bundesverwaltungsgericht [BVerwG] [Federal Administrative Court], Judgment of 25 January 1996, 4 C 5/95, *Neue Juristische Wochenschrift* [NJW] 1996, 1636.

Case C-213/89, *The Queen v. Secretary of State for Transport, ex parte Factortame Ltd*, ECLI:EU:C:1990:257.

Case C-279/09, *DEB Deutsche Energiehandels- und Beratungsgesellschaft mbH v. Germany*, ECLI:EU:C:2010:811.

Case C-432/05, *Unibet Ltd v. Justitiekanslern*, ECLI:EU:C:2007:163.

Supreme Administrative Court of Finland (Korkein hallinto-oikeus), Decision of 27 March 2024 (K77).

District Court of Southwest Finland, Judgment of 24 October 2025 (K78).

## C. Secondary Literature

Maurer, Hartmut, and Christian Waldhoff. *Allgemeines Verwaltungsrecht*. 20th ed. Munich: C.H. Beck, 2020.

Ossenbühl, Fritz, and Matthias Cornils. *Staatshaftungsrecht*. 6th ed. Munich: C.H. Beck, 2013.

Craig, Paul. *EU Administrative Law*. 3rd ed. Oxford: Oxford University Press, 2018.

Schwarze, Jürgen, Dörte Becker, and Ulrich Hatje. *EU Administrative Law*. 2nd ed. London: Sweet & Maxwell, 2011.

Hofmann, Herwig C.H., Gerard C. Rowe, and Alexander H. Türk. *Administrative Law and Policy of the European Union*. Oxford: Oxford University Press, 2011.

Bovens, Mark. "Analysing and Assessing Accountability: A Conceptual Framework." *European Law Journal* 13, no. 4 (2007): 447–468.

Mashaw, Jerry L. *Bureaucratic Justice: Managing Social Security Disability Claims*. New Haven: Yale University Press, 1983.

Craig, Paul. *Administrative Law*. 8th ed. London: Sweet & Maxwell, 2021.

## D. Primary Case Materials (K1–K102)

Primary documentary materials cited in this article (K1–K102) consist of court transcripts, administrative decisions, supervisory authority determinations, expert reports, and official correspondence relating to the Finnish building inspection dispute analysed herein.

Redacted versions of these materials are publicly accessible in a bilingual (Finnish/English) document archive maintained by the author at <https://oikeusjavelvollisuus.fi/documents-en/>.

Selected key documents cited include:

K37, Transcript of Phone Conversation – Expired Permits (Apr. 6, 2022).

K54, City’s Statement to Police (Oct. 14, 2022).

K76, Appeal to the Supreme Administrative Court (Dec. 29, 2023).

K77, Supreme Administrative Court Decision (Mar. 27, 2024).

K78, District Court Judgment (Oct. 24, 2025).

K87, LähiTapiola Legal Protection Decision (Jan. 15, 2026).

K88–K91, District Court Witness Testimony Transcripts (Oct. 2025).

K94, Dr. Tech. Vesa Virtanen, Expert Opinion on Building Project (Jan. 19, 2023).