Codice Del Diritto E Delle Organizzazioni Internazionali

L'opera, curata dai maggiori esperti della materia, rappresenta un Testo unico del condominio negli edifici. In primo piano sono posti gli articoli da 1117 a 1139 del codice civile e gli articoli da 61 a 72 delle disposizioni di attuazione del codice civile, costituenti la disciplina primaria del condominio, peraltro ancora di recente oggetto della Riforma introdotta con la legge 11 dicembre 2012, n. 220, poi modificata con il decreto-legge 23 dicembre 2013, n. 145, convertito dalla legge 21 febbraio 2014, n. 9. Nell'auspicio di fornire agli studiosi ed agli operatori pratici, in un unico volume, uno statuto omogeneo ed esauriente del condominio edilizio, sono altresì oggetto di autonoma analisi le pertinenti norme in tema di proprietà, di comunione, di mandato, di pubblicità immobiliare, di responsabilità civile, nonché gli articoli dei codici penale, di procedura civile e di procedura penale che concorrono a regolamentare sia i rapporti tra condomini, sia i rapporti fra condominio e terzi. Una particolare attenzione è dedicata pure alla vasta legislazione speciale di settore, interferente con la disciplina condominiale, in tema di professione di amministratore, eliminazione delle barriere architettoniche, rapporto di portierato, trattamento dei dati personali, impianti e innovazioni, locazione, sicurezza nei luoghi di lavoro, disposizioni tributarie. La normativa selezionata è corredata da un compiuto percorso ragionato, che espone e riordina, in modo sempre completo ed aggiornato, la giurisprudenza in argomento, con le massime delle pronunce più importanti della Corte di cassazione e la sintesi dei principi fondamentali affidata agli autori.

Questa edizione del codice del lavoro ha quale scopo quello di offrire allo studente, all’avvocato, al magistrato o all’esperto del diritto, e/o comunque ad ogni operatore del diritto, uno strumento di facile ed immediata consultazione delle più importanti e recenti leggi in materia di lavoro. Il testo è, infatti, aggiornato alle più recenti modifiche intervenute, ed in particolare al c.d. Jobs act dei lavoratori autonomi (L. 22 maggio 2017, n. 81) ed a i “nuovi voucher” (L. 21 giugno 2017, n. 96) Al testo sono state aggiunte alcune leggi speciali, ritenute di particolare rilievo ed importanza per la materia. Il codice è altresì aggiornato al c.d. codice della crisi e della insolvenza, ovvero al d. Lgs. 12 gennaio 2019 n. 14, nonché alla legge 8 marzo n. 20 pubblicato nella Gazzetta Ufficiale del 20 marzo 2019. Di queste innovazioni il codice del lavoro offre puntuale segnalazione, con collocazione sistematica, coniugata con la presentazione cronologica delle riforme. Il codice è aggiornato alle seguenti leggi: D. L. 1 aprile 2021, n. 44 D. L. 22 marzo 2021, n. 41 L. 18 dicembre 2020 n. 176 L. 8 marzo 2019 n. 20 D. Lgs. 12 gennaio 2019 n. 14 L. 9 agosto 2018, n. 96 L. 22 maggio 2017, n. 81 D. Lgs. 20 luglio 2017, n. 118 L. 30 novembre 2017, n. 179 Per completezza di esposizione appare doveroso precisare che vi sono state le seguenti leggi – solo qui annoverate come mera elencazione: Decreto Legge n. 162/2019: Disposizioni urgenti in materia di proroga di termini legislativi, di organizzazione delle pubbliche amministrazioni, nonché di innovazione tecnologica. Legge n. 160/2019: Bilancio di previsione dello Stato per l’anno finanziario 2020 e bilancio pluriennale per il triennio 2020-2022; Legge n. 128/2019: Testo del decreto-legge 3 settembre 2019, n. 101 (in Gazzetta Ufficiale – Serie generale – 207 del 4 settembre 2019), coordinato con la legge di conversione 2 novembre 2019, n. 128, recante: «Disposizioni urgenti perla tutela del lavoro e per la risoluzione di crisi; Decreto Legge n. 101/2019: Disposizioni urgenti per la tutela del lavoro e per la risoluzione di crisi aziendali. La Legge n. 176/2020 di conversione, con modificazioni, del Decreto-Legge n. 137 del 28 ottobre 2020, recante: «Ulteriori misure urgenti in materia di tutela della salute, sostegno ai lavoratori e alle imprese, giustizia e sicurezza, connesse all’emergenza epidemiologica da COVID-19». Ancora da annoverare che il Governo ha pubblicato, nel Supplemento Ordinario n. 2 della Gazzetta Ufficiale n. 11 del 15 gennaio 2021, il DPCM del 14 gennaio 2021 con ulteriori disposizioni attuative del decreto-legge 25 marzo 2020, n. 19 (convertito, con modificazioni, dalla legge 22 maggio 2020, n. 35), del decreto-legge 16 maggio 2020, n. 33 (convertito, con modificazioni, dalla legge 14 luglio 2020, n. 74) e del decreto-legge 14 gennaio 2021 n. 2. Le disposizioni del decreto si applicano dalla data del 16 gennaio 2021, in sostituzione di quelle del decreto del Presidente del Consiglio dei ministri 3 dicembre 2020, e sono efficaci fino al 5 marzo 2021. Sulla Gazzetta Ufficiale n. 10 del 14 gennaio 2021, il Decreto Legge n. 2/2021, con ulteriori disposizioni urgenti per il contenimento della diffusione del COVID-19. Il testo proroga, al 30 aprile 2021, il termine entro il quale potranno essere adottate o reiterate le misure finalizzate alla prevenzione del contagio ai sensi dei decreti-legge n. 19 e 33 del 2020. Il decreto conferma, fino al 15 febbraio 2021, il divieto già in vigore di ogni spostamento tra Regioni o Province autonome diverse, con l’eccezione di quelli motivati da comprovate esigenze lavorative, situazioni di necessità o motivi di salute. È comunque consentito il rientro alla propria residenza, domicilio o abitazione.

This timely Research Handbook examines the increasingly economically vital topic of corporate restructuring. Reflecting a shift in the global approach to insolvency towards a focus on rescuing viable businesses rather than liquidation, chapters consider all areas of the law closely connected to corporate insolvency, rehabilitation and rescue, as well as the introduction of the EU Preventive Restructuring Directive and other reforms from around the world.

L’impatto del diritto dell’Unione europea sugli Stati membri si concretizza, in misura determinante, tramite regole e principi dettati dalla Corte di giustizia e destinati a essere applicati dai giudici nazionali. Il buon funzionamento del complesso sistema derivante dall’interazione tra l’ordinamento dell’Unione e i singoli Stati membri presuppone, pertanto, un rapporto costruttivo tra la Corte di giustizia e le corti nazionali. Muovendo da tale premessa, il volume affronta le problematiche inerenti al ‘dialogo’ tra tutte le corti nazionali (di merito, supreme, costituzionali) e la Corte di giustizia. A tal fine sono stati chiamati a esprimersi, prima di tutto, gli stessi giudici che ne sono protagonisti: a questi ultimi è stato chiesto di illustrare, a partire dalla propria esperienza, le difficoltà di comunicazione, in senso ampio, riscontrate nel dialogo con la Corte di giustizia. Alla voce dei giudici si aggiunge, quindi, quella dei professori specializzati nel diritto comparato ed europeo.

"Italian Studies in Law" is a new yearbook containing a selection of studies on Italian Law edited by the Italian Association of Comparative Law. Each volume will include essays on private law, public law, procedural law and other judicial disciplines that are of interest to jurists in other countries, which will allow them to form an opinion on developments in the study of law conducted in Italian legal faculties.

The contributions to this volume are concerned with the Roman law of antiquity in its broadest sense, covering both private and public law from the Roman Republic to the Byzantine era, including legal papyrology. They also examine the reception of Roman law in Western Europe and its colonies (specifically the Dutch East Indies) from the Middle Ages to the promulgation of the German Bürgerliche Gesetzbuch in 1900. They reflect the wide interests of Professor Boudewijn Sirks, whom the volume honours on the occasion of his retirement and whose work and career have transcended frontiers and nations.

This book focuses on recent developments in consumer law, specifically addressing mandatory disclosures and the topical problem of information overload. It provides a comparative analysis based on

national reports from countries with common law and civil law traditions in Asia, America and Europe, and presents the reports in the form of chapters that have been drafted on the basis of a questionnaire, and which use the same structure as the questionnaire to allow them to be easily compared. The book starts with an analysis of the basic assumptions underlying the current consumer protection models and examines whether and how consumer models adapt to the new market conditions. The second part addresses the information obligations themselves, first highlighting the differences in the reported countries before narrowing the analysis down to countries with a general pre-contractual information duty, particularly the transparency requirements that often come with such a duty. The next part examines recent developments in the law on food labelling, commercial practices and unfair contract terms in order to identify whether similar traits can be found in European and non-European jurisdictions. The fourth part of the book focuses on specific information obligations in the financial services and e-commerce sectors, discussing the fact that legislators are experimenting with different forms of summary disclosures in these sectors. The final part provides a critical appraisal of the recent developments in consumer information obligations, addressing the question of whether the multiple criticisms from behavioural sciences necessitate abandonment or refinement of current consumer information models in favour of new, more adequate forms of consumer protection, and providing suggestions.

This book features a discussion on the modernisation of law and legal change, focusing on the key concepts of innovation" and "transition". These concepts both appear to be relevant and poorly defined in contemporary legal science. A critical reflection on the heuristic value of these categories seems appropriate, particularly considering their dyadic value. While innovation is increasingly appearing in the present day as being the category in which one looks at the modernisation of law, the concept of transition also seems to be the privileged place of occurrence for such dynamics. This group of Italian and Brazilian scholars contributing to this volume intends to investigate such problems through an interdisciplinary prism. It includes points of view both internal to legal studies - such as the history of law, theory of law, constitutional law, private law and commercial law - and external, such as political philosophy and history of justice and political institutions.

Gifts: A Study in Comparative Law is the first broad-based study of the law governing the giving and revocation of gifts ever attempted. Gift-giving is everywhere governed by social and customary norms before it encounters the law and the giving of gifts takes place largely outside of the marketplace. As a result of these two characteristics, the law of gifts provides an optimal lens through which to examine how different legal systems engage with social practice. The law of gifts is well-developed both in the civil and the common laws. Richard Hyland's study provides an excellent view of the ways in which different civil and common law jurisdictions confront common issues. The legal systems discussed include principally, in the common law, those of Great Britain, the United States, and India, and, in the civil law, the private law systems of Belgium and France, Germany, Italy, and Spain. Professor Hyland also serves a critique of the dominant method in the field, which is a form of functionalism based on what is called the praesumptio similitudinis, namely the axiom that, once legal doctrine is stripped away, developed legal systems tend to reach similar practical results. His study demonstrates, to the contrary, that legal systems actually differ, not only in their approach and conceptual structure, but just as much in the results.

With populist, nationalist and repressive governments on the rise around the world, questioning the impact of politics on the nature and role of law and the state is a pressing concern. If we are to understand the effects of extreme ideologies on the state's legal dimensions and powers – especially the power to punish and to determine the boundaries of permissible conduct through criminal law – it is essential to consider the lessons of history. This timely collection explores how political ideas and beliefs influenced the nature, content and application of criminal law and justice under Fascism, National Socialism, and other authoritarian regimes in the twentieth century. Bringing together expert legal historians from four continents, the collection's 16 chapters examine aspects of criminal law and related jurisprudential and criminological questions in the context of Fascist Italy, Nazi Germany, Nazi-occupied Norway, apartheid South Africa, Francoist Spain, and the authoritarian regimes of Brazil, Romania and Japan. Based on original archival, doctrinal and theoretical research, the collection offers new critical perspectives on issues of systemic identity, self-perception and the foundational role of criminal law; processes of state repression and the activities of criminal courts and lawyers; and ideological aspects of, and tensions in, substantive criminal law.

1. Everyday legal ontology as a challenge to normative solipsism 1.1. Normative solipsism – 1.2. Three open questions of Petra?ycki’s legal theory – 1.3. The subject-matter of this book – 1.4. The major ontological kinds and the way they are mirrored in naïve language 2. Ethical illusions produced by projective processes 2.1. Introduction – 2.2. What can projections explain? – 2.3. Petra?ycki’s projective process – 2.4. The degree of stability of projective qualities and its linguistic consequences – 2.5. Two constituents of the stability of projective qualities – 2.6. The connection of subjective stability and intersubjective diffusion with the psychological development of realism 3. Illusions produced by the features of the super-ego 3.1. The limits of Petra?ycki’s projective hypothesis – 3.2. The differentiae specificae of ethical emotions – 3.3. Why the explanation here proposed to the illusions of imperatives and prohibitions is different from Petra?ycki’s – 3.4. The illusions of norms and the role of the concept of norm as a basic theoretical concept – 3.5. Ethical emotions, aggressiveness and ethical sadism – 3.6. Shame, guilt, pride, anger and indignation – 3.7. Is the hypothesis of a super-ego falsifiable in Popper’s sense? 4. Illusions produced by the features of legal emotions 4.1. Naïve legal entities – 4.2. Moral vs. legal experience – 4.3. Features associated to moral vs. legal experiences, respectively – 4.4. Kinds of legal relationships – 4.4.1. facere-accipere (obligatedness/obligatoriness) – 4.4.2. nonfacere-nonpati (prohibitedness) – 4.4.3. pati-facere (permittedness) – 4.4.4. pati-nonfacere (omissibility) – 4.4.5. Absence-of-ethical-phenomena and ethical indifference – 4.5. Pure attributive phenomena – 4.6. The degree of cognitive salience of the different kinds of legal relationship and the factors conducive to the detachment of debts – 4.6.1. Bilaterality – 4.6.2. Transferability – 4.6.3. Transitoriness – 4.6.4. Fungibility – 4.6.5. Transformability – 4.7. Duties – 4.8. Rights vs. powers? – 4.9. The factors conducive to the detachment of permittednesses/authoritativenesses into illusions of free-standing entities – 4.9.1. Bilaterality – 4.9.2. Transferability – 4.9.3. Transitoriness – 4.9.4-5. Fungibility and transformability – 4.10. Statutes, commands and the wishes of an autocrat – 4.11. The illusions of the amendment of a command/statute – 4.12. A case of undetachment: ownership Appendix: Moneyness as a naïve non-legal phenomenon References Index of names

The popular referendum of 1974 which affirmed Italy's recently-won divorce law is widely regarded as a turning point in modern Italian history, but the long story behind that

struggle has remained largely unfamiliar. Using the debates over divorce as a lens, this book is a study of the quest to modernize Italy, Italians, and Italian marriage.

This book examines administrative silence in a comparative manner in the EU law and 13 jurisdictions from Europe. Administrative silence is an issue that lies at the intersection of legal and managerial aspects of public administration, a concept that is both reflecting and testing the principles of legal certainty, legality, good administration, legitimate expectations, and effectiveness. Inactivity or excessive length of proceedings appears to be of interest for comparisons, particularly in the context of the recent attempts to develop European convergence models. The book offers in-depth insights into legal regulation, theory, case law and practice regarding positive and negative legal fictions in the selected European jurisdictions.

In today’s knowledge-based global economy, most inventions are made by employed persons through their employers’ research and development activities. However, methods of establishing rights over an employee’s intellectual property assets are relatively uncertain in the absence of international solutions. Given that increasingly more businesses establish entities in different countries and more employees co-operate across borders, it becomes essential for companies to be able to establish the conditions under which ownership subsists in intellectual property created in employment relationships in various countries. This comparative law publication describes and analyses employers’ acquisition of employees’ intellectual property rights, first in general and then in depth. This second edition of the book considers thirty-four different jurisdictions worldwide. The book was developed within the framework of the International Association for the Protection of Intellectual Property (AIPPI), a non-affiliated, non-profit organization dedicated to improving and promoting the protection of intellectual property at both national and international levels. Among the issues and topics covered by the forty-nine distinguished contributors are the following: • different approaches in different law systems; • choice of law for contracts; • harmonizing international jurisdiction rules; • conditions for recognition and enforcement of foreign judgments; • employees’ rights in copyright, semiconductor chips, inventions, designs, plant varieties and utility models on a country-by-country basis; • employee remuneration right; • parties’ duty to inform; and • instances for disputes. With its wealth of information on an increasingly important subject for practitioners in every jurisdiction, this book is sure to be put to constant use by corporate lawyers and in-house counsel everywhere. It is also exceptionally valuable as a thorough resource for academics and researchers interested in the international harmonization of intellectual property law.

This volume addresses an important historiographical gap by assessing the respective contributions of tradition and foreign influences to the 19th century codification of criminal law. More specifically, it focuses on the extent of French influence – among others – in European and American civil law jurisdictions. In this regard, the book seeks to dispel a number of myths concerning the French model’s actual influence on European and Latin American criminal codes. The impact of the Napoleonic criminal code on other jurisdictions was real, but the scope and extent of its influence were significantly less than has sometimes been claimed. The overemphasis on French influence on other civil law jurisdictions is partly due to a fundamental assumption that modern criminal codes constituted a break with the past. The question as to whether they truly broke with the past or were merely a degree of reform touches on a difficult issue, namely, the dichotomy between tradition and foreign influences in the codification of criminal law. Scholarship has unfairly ignored this important subject, an oversight that this book remedies.

Money is the most frequently means used in the legal system to punish and regulate. Monetary penalties outnumber all other sanctions delivered by criminal justice in many jurisdictions, imprisonment included. More people pay fines than go to prison and in some jurisdictions many of those in prison are there because of failure to pay their fines. Therefore, it is surprising how little has been written in the Anglophone academic world about the nature of money sanctions and their specific characteristics as legal sanctions. In many ways, legal innovations related to money sanctions have been poorly understood. This book argues that they are a direct consequence of the changing meaning of money. Considering the ‘meaninglessness’ of modern money, the book aims to examine the history of changing conceptions in how fines have been conceived and used. Using a set of interpretative techniques sensitive to how money and freedom are perceived, the genealogy of the penal fine is presented as a story of constant reformulation in response to shifting political pressures and changes in intellectual developments that influenced ideological commitments of legislators and practitioners. This book is multi-disciplinary and will appeal to those engaged with criminology, sociology and philosophy of punishment, socio-legal studies, and criminal law.

Riedizione del Volume pubblicato nel 2008 (nella I ed. presentato nella Collana “Testo Unico Sicurezza del Lavoro”) sul quadro sanzionatorio e sulle regole innovative che governano il sistema istituzionale della vigilanza in materia di sicurezza sul lavoro a seguito dell’entrata in vigore del decreto legislativo 9 aprile 2008, n. 81 (Testo Unico). La riedizione si è resa necessaria in seguito alle rilevanti modifiche introdotte dal decreto correttivo del Testo Unico Sicurezza del Lavoro (D.Lgs. 106/2009). Il volume si presenta suddiviso in varie parti rispettivamente dedicate: all’esame specifico dei nuovi meccanismi istituzionali che governano il complesso fenomeno delle ispezioni e della vigilanza in materia di sicurezza sul lavoro alle linee di sviluppo del nuovo apparato sanzionatorio così come individuato dal d.lgs. n. 81/2008 e successivamente modificato dal d.lgs. 106/2009, con particolare riferimento: al procedimento ispettivo e sanzionatorio, amministrativo e penale, ai limiti di applicabilità dei poteri degli organi di vigilanza (prescrizione, disposizione, diffida), alla lettura dell’apparato punitivo fra contravvenzioni e sanzioni amministrative, alla responsabilità diretta dell’ente, alle condizioni di estinzione agevolata dell’illecito, all’esercizio dei diritti della persona offesa all’analisi dell’apparato sanzionatorio e alla puntuale individuazione di tutte le ipotesi sanzionatorie previste dal nuovo testo unico, anche mediante apposite tabelle che individuano: la fattispecie illecita, la reazione punitiva, le forme di estinzione agevolata dell’illecito Infine viene proposta: la normativa e la prassi amministrativa di principale rilievo, accanto alla modulistica riguardante le fasi principali del procedimento sanzionatorio penale e amministrativo.

By studying the development of Italy's penal system, Pires Marques provides valuable insights into the wider political culture of European society. Focusing on the rise of fascism in Spain and Portugal as well as Italy, he examines the role of religious, economic and political factors in the making of penal laws.