

Parte I Dottrina

FRANCESCO REGINE, La conferma del testamento nella prassi negoziale» 561

Abstract. The Author deals with the theme of confirming a null will. Starting from a survey into the legal nature of the confirmation act, consequences can be drawn, first of all, in terms of the formal requirements of the transaction; subsequently, with in relation to cases where real estate is included in the succession, the issue of compliance with the mentions prescribed by law regarding urban planning regularity and cadastral conformity is addressed. Finally, the problem of real estate publicity to be carried out for the confirmation act is analyzed in cases where null testamentary provisions give rise to constitutive or translative events of real property rights.

ELISABETTA ERRIGO, Illecito endofamiliare e danno da mancato riconoscimento tra regole e sistema ...» 581

Abstract. Recent jurisprudence, in attributing to the natural child the right to compensation for the damage caused by non-recognition resulting from the «disinterested» conduct of the biological parent, understood as an internal offence, seem to delineate an obligation to carry out the recognition, obviously incompatible with the spontaneity and the voluntariness of the act, always expression of the self-determination of the subjects admitted to carry it out. A reflection on the rules on filiation and especially on parental obligations suggests a solution capable of granting adequate accommodation to legal situations, in accordance with the principles of responsible parenting.

GIUSEPPE MARIA MARSICO, Profili ricostruttivi in tema di impresa familiare.....» 599

Abstract. The paradigm of a family business revolves, almost in general terms in the European Union framework, around three essential and peculiar elements, namely the family bond, the ownership structure and the conduct of a business. On the other hand, an organic and harmonized discipline is lacking, despite the initiatives already undertaken as part of the strategy developed in the Small Business Act. The contribution, therefore, intends to highlight the most significant aspects of the Italian discipline, by highlighting, in particular, the protective and the mandatory nature of article 230 bis of the Italian Civil Code. This reconstructive framework induces, in fact, to consider the institution of the family business to be used whenever it is ascertained that the use of different negotiating schemes or the interposition of a corporate diaphragm translate an elusive will of the business operator, aimed at attributing to the family member an inferior treatment than the one provided by law.

Parte II Giurisprudenza

ARNALDO MORACE PINELLI, La Corte costituzionale, nel silenzio del legislatore, torna a pronunciarsi sulla fine della vita umana (nota a Corte cost., 18 luglio 2024, n. 135)» 633

Abstract. The Constitutional Court rejected the question of constitutional legitimacy of the art. 580 c.p., as amended by sentence no. 242/2019, with the aim of extending the cases of non-punishment of aiding suicide to patients to respect to whom only three of the four requirements identified by the 2019 and 2019 sentences exist (irreversible pathology, intolerable physical or psychological suffering and ability to take free and informed decisions), but defects, instead, the requirement of being kept alive by life-sustaining treatments. In practice, the Court was asked to abandon the field of implementing the right to refuse treatment, recognized by the art. 32 of the Constitution, and to open the system to euthanasia legislation, postulating the existence of a right not to suffer, which would justify exceeding the supreme value of human life in the presence of extraordinary, intolerable and irreversible suffering. The Author notes that an intervention by the legislator, invoked by many,

presupposes the rejection of every ideological temptation, both of a socio-authoritarian and individualistic-libertarian type, i.e. of the most radical opinions that compete in the field of the end of life human, proclaiming its absolute unavailability or availability.