

## *E Diritto Penale*

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 of 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.

This volume illustrates to the public, and legal experts, the basic principles of the field of neurosciences, that commonly goes under the name of Neurolaw. First, it illustrates the relationship between neurosciences, natural sciences and social sciences. Furthermore, it highlights numerous problems concerning the fundamental philosophical concepts used by Neurolaw and evaluates the validity of the method and the limits of a neuroscientific approach to the problems of law and justice. The volume explores the possibility of application of these concepts on the fundamentals of the general theory of legal dogmatics. It also examines the main problems of Neurolaw in relation to public, private, criminal and procedural law. In conclusion, the book follows a systematic method that makes it an ideal manual for the introduction to Neurolaw.

Manipolazione psicologica e diritto penale

Fundamental Rights, Transnational Proceedings and the European Public Prosecutor's Office

Sicurezza stradale e diritto penale

scritti editi e inediti, 1972-2007

Bioetica e diritto penale. Materiali per una discussione

Mediazione e diritto penale

**This volume discusses EU criminal justice from three perspectives. The first concerns fundamental rights following the adoption of the directives that have progressively reinforced the cornerstone of procedural rights of suspects and defendants in national criminal proceedings in the EU member states so as to facilitate judicial cooperation. The second perspective relates to transnational criminal investigations and proceedings, which are seen as a cross section of the current state of judicial cooperation in the area of freedom, security and justice, with the related issues of efficiency, coordination, settlement of conflicts of jurisdiction, and guarantees. The third perspective concerns the development of a supranational justice system in the light of the recently established European Public Prosecutor's Office, whose European judicial nature still coexists with strong national components.**

**Recent migratory flows to Europe have brought about considerable changes in many countries. Italy in particular offers a unique point of view, since it is possible to observe not only the way migration has changed specific features of the country, but also how it is intertwined with gender relations. Considering both the type of migration that has affected Italy and the consequent measures adopted by the Government, a variety of distinctive elements may be seen. By providing a broad and more complete picture of the Italian perspective on gender and migration, this book makes a valuable contribution to the wider debate. The contributions consider the problematic linkage between gender and migration, as well as analyse particular aspects including Italian colonial past, domestic work, self-determination, access to social services, second-generation migrant women, family law, multiculturalism and religious symbols. Taking an empirical and theoretical approach, the volume underlines both the multifaceted problems affecting migrant women in Italy and the way in which questions raised in other countries are introduced and redefined by Italian scholarship. The book presents a valuable resource for researchers, academics and policy-makers working in the areas of migration and gender studies.**

Globalizzazione e diritto penale

A Comparative, European and International Law Perspective

Criminal Proceedings, Languages and the European Union

Human Rights in European Criminal Law

Sociologia e diritto penale ...

Corruption, Integrity and the Law

Europa e diritto penale Cybercrime UTET Giuridica

*L'espressione white collar crimes, coniata dal criminologo americano Sutherland, si riferisce ai delitti perpetrati dalla "persona rispettabile, appartenente alla classe superiore, che commette un reato nel corso dell'attività professionale, violando la fiducia formalmente o implicitamente attribuitagli". Ad oggi, la criminologia si rimanda ad essa per spiegare in chiave soggettivistica le più svariate forme di criminalità economica, che negli anni hanno assunto contorni incerti e ondivaghi. Si tratta, infatti, di un insieme di condotte illecite difficilmente inquadrabili, diramate su scala planetaria, attraverso prassi speculative sistemiche e manovre di massimazione dei profitti basate su processi di infiltrazione in attività imprenditoriali lecite. La criminalità di tipo economico si fonda su fatti delittuosi facilmente mimetizzabili e misconosciuti, che si celano sotto l'apparenza di transazioni o affari legali, o si perdono nella rete dei traffici aterritoriali e anonimi del cyber spazio. I white collar criminals agiscono sfruttando la posizione sociale e imprenditoriale ricoperta e tessendo rapporti con i centri politici o con l'associazionismo criminale organizzato, in vista di un'illecita implementazione degli utili e del perseguimento anticoncorrenziale degli obiettivi prefissati. I mille volti della criminalità economica ricomprendono attività illegali di tipo eterogeneo: si va dai crimini informatici, agli occupational crimes, ai delitti compiuti dai vertici imprenditoriali. E ormai da tempo gli studi sulla cd. "delinquenza delle classi superiori" evidenziano le difficoltà di circoscrizione e repressione del fenomeno, incardinato in realtà organizzate, lecite e non, che si muovono agilmente sia a livello territoriale, che su scala mondiale, anche sulla base delle garanzie offerte dalla mediazione tecnologica. La perpetrazione di crimini all'interno delle strutture imprenditoriali ha inoltre fatto emergere l'idea di una colpa d'impresa, connessa all'assenza di idonei ed effettivi strumenti di autoregolamentazione in grado di prevenire comportamenti criminosi e contenere il pericolo di attività illecite compiute da*

soggetti comunque inseriti nel circuito aziendale. Di qui anche la necessità di adeguare l'impianto penalistico moderno alla nuova realtà criminale, attraverso l'elaborazione di tecniche di contenimento dei cd. corporate crimes, e l'opportunità di costituire appositi Compliance Programs per il controllo del potenziale criminogeno societario e l'esclusione di profili di colpa per comportamenti devianti tenuti da sottoposti o vertici imprenditoriali. La varietà di fenomenologie criminali coinvolte, ci ha indotti a un costante approfondimento criminologico delle questioni connesse alla delinquenza di tipo economico. In più occasioni ci siamo occupati di contesti criminali legati al circuito dell'economia. Il riferimento è alla corruzione sistemica imprenditoriale – che da anni domina indisturbata le strategie aziendali e i meccanismi di mercato – ai crimini informatici – ricondotti, pur nella loro eterogeneità, alla macro categoria dei white collar crimes – e alla cd. responsabilità d'impresa – condizionata all'elusione di idonei modelli di governance predisposti per la regolamentazione dell'attività aziendale e la conseguente prevenzione di focolai criminali al suo interno. E la trattazione nasce proprio dalla volontà di ricomporre in modo unitario i nostri studi sul tema, in modo da tracciare un quadro criminogenetico e criminodinamico più ampio, che consenta al lettore una consapevole maturazione delle principali tematiche criminologiche riconducibili al fenomeno della cd. delinquenza economica.

*EU Criminal Justice*

*Cybercrime*

*Global Regulatory Challenges*

*Uno studio sulla concorrenza come bene giuridico*

*Neurolaw*

*Historical Denialism, Free Speech and the Limits of Criminal Law*

**The protection of fundamental rights in the field of transnational criminal inquiries is of great delicateness in the current tangled web of domestic and international legal sources. Due to this complex scenario, this research has been carried out from a four-level perspective. The first part provides a critical analysis of the multilevel systems of protecting fundamental rights from the perspective of supranational and constitutional case law, and in the field of international and organized crime. The second part focuses on EU judicial cooperation in three main fields: financial and serious organized crime, mutual recognition tools, and individual rights protection. The third part provides the perspectives of ten domestic legal systems in two fields, i.e., obtaining evidence abroad and cooperation with international criminal tribunals. The fourth part analyses cross-border inquiries in comparative law, providing a reconstruction of different models of obtaining evidence overseas. I contributi contenuti all'interno di questo volume descrivono i principali strumenti penalistici utilizzabili per la tutela della persona del lavoratore e dei suoi diritti, analizzando la vasta produzione normativa a carattere sanzionatorio che trova la propria giustificazione nell'esigenza di garantire effettività ad altre norme (quelle lavoristiche) o in quella di bilanciare la liceità di attività rischiose con l'introduzione di tutele che preservassero la salute dei lavoratori. Ampio spazio, inoltre, è stato riservato alla considerevole opera di supplenza giudiziaria, che si è fatta carico della tutela della sicurezza e della salute dei lavoratori ricorrendo direttamente alle classiche figure delle lesioni e dell'omicidio e fornendo spunti di rilievo rispetto a forme di aggressione psicologica (v., ad es., in tema di mobbing). La tematica è affrontata anche nella prospettiva della protezione della privacy e rispetto a forme di lavoro sviluppatasi soprattutto negli ultimi tempi (il cd. smart working).**

**Linguistic and Legal Issues**

**The UN ad hoc Tribunals and Future Perspectives for the ICC**

**Transnational Inquiries and the Protection of Fundamental Rights in Criminal Proceedings**

**guida alla prassi giurisprudenziale**

**Reasonableness and Law**

**Diritto comunitario e diritto penale interno**

**This edited volume explores the relationship between constitutionalism and populism in the Italian context. Italian populism is of interest to comparative lawyers for many reasons. Firstly, the country has a long-lasting tradition of anti-parliamentarism over the course of its history as a unitary state. After the 2018 general election, it has turned into the first European country in which two self-styled populist parties formed a coalition government. Although it collapsed in August 2019, many issues that it had raised remain. Secondly, as Italy is a founding member of the European Communities, the constitutional implications of populist politics have to be considered not only within the national framework but also in a wider context. This book argues that the relationship between populism and constitutionalism should not be seen in terms of mutual exclusion and perfect opposition. Indeed, populism frequently relies on concepts and categories belonging to the language of constitutionalism (majority, democracy, people), offering a kind of constitutional counter-narrative.**

**È un dato ormai acquisito che la corruzione non riguardi solo l'attività politico-amministrativa, ma investa ogni settore della vita economica e sociale (sport, mercato farmaceutico, revisione contabile, società commerciali). Da qui l'emergere, a livello sovranazionale, di crescenti istanze di criminalizzazione. "Corruzione privata e diritto penale. Uno studio sulla concorrenza come bene giuridico" è un'ampia e approfondita monografia, sul fenomeno e sulla sua repressione penale. L'Autore ricostruisce, criticamente, i diversi modelli di intervento penale sperimentati nei principali ordinamenti europei, come pure gli strumenti repressivi già presenti nell'ordinamento italiano. In tale ultimo contesto, una posizione centrale (ma non esclusiva) è occupata dal delitto di Corruzione tra privati (art. 2635 Codice Civile), oggetto di ripetuti interventi riformatori (l'ultimo ad opera del decreto legislativo n. 38 del 2017). In prospettiva de iure condendo, la conclusione cui si perviene è che la corruzione privata deve essere punita, in quanto fatto offensivo della concorrenza, intesa come rispetto della lealtà e correttezza nei rapporti tra operatori economici.**

**Criminologia clinica e diritto penale**

**Storia del diritto penale e della giustizia**

**Strategies, Conflicts and Dilemmas**

**A Revision of the Myth of its Predominant French Influence**

**Fecondazione assistita e diritto penale**

**Famiglia e diritto penale**

*This book examines the criminalisation of denials of genocide and of other mass atrocities in Europe and discusses the implications of protecting institutional historical memory through criminal law. The analysis highlights the tensions with free speech, investigating the relationship between criminal law and historical memory. The book paves the way for a broader discussion about fake news, 'post-truth' scenarios, and free expression in a digital world. The author underscores the need to protect well-founded factual records from the dangers of misinformation. Historical denialism and the related jurisprudence represent a key step in exploring this complex field. The book combines an interdisciplinary approach with criminal law methodology. It is primarily aimed at academics, practitioners and others who wish to deepen their understanding of historical denialism, remembrance laws, 'speech crimes' and freedom of expression. Emanuela Fronza is Senior Research Fellow in Criminal Law and Lecturer in International and European Criminal Law at the School of Law, University of Bologna. She is a Principal Investigator within the EU research consortium Memory Laws in European and Comparative Perspectives funded by HERA (Humanities in the European Research Area).*

*Globalisation has opened new avenues to corruption. Corrupt practices are proliferating not only within national borders but across different countries. Despite many national and international anti-corruption bodies and strategies, corruption far from being eradicated. There is an urgent global demand for a better understanding of corruption as a phenomenon and a thorough assessment of the existing regulatory remedies, towards the establishment of more effective (and possibly uniform) anti-corruption measures. Our previous collection, *Corruption in the Global Era* (Routledge, 2019), analysed the causes, the sources, and the forms of manifestation of global corruption. An ideal continuation of that volume, this book moves from the analysis of the phenomenon of corruption to that of the regulatory remedies against corruption and for the promotion of integrity. *Corruption, Integrity and the Law* provides a unique interdisciplinary assessment of the global anti-corruption legal framework. The collection gathers top experts in different fields of both the academic and the professional world – including criminal law, EU law, international law, competition law, corporate law and ethics. It analyses legal instruments adopted not only at a supranational level but also by different countries, in the attempt of establishing an interdisciplinary and comparative dialogue between theory and practice and between different legal systems towards a better global promotion of integrity. This book will be of value to researchers, academics and students in the fields of law, criminology, sociology, economics, ethics as well as professionals – especially solicitors, barristers, businessmen and public servants.*

**Giustizia di transizione e diritto penale**

**Gender and Migration in Italy**

**The Western Codification of Criminal Law**

**Informatica, internet e diritto penale**

**Democrazia e diritto penale**

**An Introduction**

*Reasonableness is at the centre of legal debate, both in academic circles and in practice. This unique reference work adopts an interdisciplinary perspective, merging jurisprudence, legal theory, political philosophy and the different branches of law. All aspects relating to reasonableness and law are addressed by the most prominent scholars in the field. In the first part of the book, the focus is on jurisprudential analyses of the concept of reasonableness and on its moral, political and constitutional implications. In the second part, reasonableness is examined in the different fields of law like Public, Private and International Law. Here in more detail the practical consequences of reasonableness are worked out, making this work of interest to practitioners as well as legal theorists.*

*Literaturverz. S. [209] - 229*

*A Study in Memory of Vittorio Grevi and Giovanni Tranchina*

*Advance Care Decision Making in Germany and Italy*

*Uguaglianza e diritto penale. Uno studio sulla giurisprudenza costituzionale*

*Europa e diritto penale*

*Principio di precauzione e diritto penale. Paradigmi dell'incertezza nella struttura del reato*

Il trattato approfondisce, in modo completo ed esaustivo, le principali questioni del diritto penale e processuale penale legate alle tecnologie informatiche. Ha una destinazione scientifica e professionale ed è suddiviso in 4 parti: - Parte I - DIRITTO PENALE SOSTANZIALE. Questioni e prospettive di fondo: una visione d'insieme sulla responsabilità penale dell'Internet Provider e degli enti per i reati informatici ex D.lgs. 231, sulle fonti internazionali ed europee e sulla validità nello spazio della legge penale. - Parte II - DIRITTO PENALE SOSTANZIALE. Tematiche di carattere specifico: ad esempio, Cyberterrorismo, istigazione a delinquere via Web, tutela dei minori e pedopornografia telematica, Cyberstalking, Cyberbullismo, tutela della libertà e della riservatezza della persona, falsità informatiche, furto di identità digitale, diffamazione via web, frodi informatiche e truffe on line,

Cybericiclaggio, riservatezza e diritto alla Privacy, diritto d' autore, indebita utilizzazione di carte di credito. - Parte III - DIRITTO PENALE SOSTANZIALE. Le nuove frontiere: robotica, biorobotica, potenziamento cognitivo, profili penali dell'Internet of Things. - Parte IV - DIRITTO PROCESSUALE PENALE. Documento informatico, prove atipiche, Convenzione di Budapest, ispezioni, perquisizioni e sequestri di dati e sistemi, misure atte a garantire la ripetibilità dell'atto di indagine "informatica", indagini di digital forensics, competenza della procura distrettuale, data retention, collaborazione internazionale tra autorità investigative e giudiziarie, intercettazioni a mezzo del c.d. captatore informatico, il caso "Apple-F.B.I.", indagini informatiche in relazione al cloud computing, indagini informatiche per i reati commessi a mezzo del deep web.

The book "Criminal proceedings, languages and the European Union: linguistic and legal issues" – the first attempt on this subject – deals with the current situation in the jurilinguistic studies, which cover comparative law, language and translation, towards the aim of the circulation of equivalent legal concepts in systems which are still very different from one another. In the absence of common cultures and languages, in criminal procedure it is possible to distinguish features that are typical of common law systems and features that are typical of civil law systems, according to the two different models of adversarial and inquisitorial trials. Therefore, the most problematic challenges are for the European Union legislator to define generic measures that can be easily implemented at the national level, and for the individual Member States to choose corresponding domestic measures that can best implement these broad definitions, so as to pursue objectives set at the European level. In this scenario, the book assesses the new framework within which criminal lawyers and practitioners need to operate under the Lisbon Treaty (Part I), and focuses on the different versions of its provisions concerning cooperation in criminal matters, which will need to be implemented at the national level (Part III). The book analyses the issues raised by multilingualism in the EU decision-making process and subsequent interpretation of legal acts from the viewpoint of all the players involved (EU officials, civil, penal and linguistic lawyers: Part II), explores the possible impact of the EU legal acts concerning environmental protection, where the study of ascending and descending circulation of polysemantic words is especially relevant (Part IV), and investigates the new legal and linguistic concepts in the field of data retention, protection of victims, European investigation orders and coercive measures (Part V).

Diritto penale, regioni e territorio. Tecniche, funzioni e limiti  
dalla punizione del reo alla composizione con la vittima

Nuove schiavitù e diritto penale

Sentencing in International Criminal Law

A Multilayered Perspective

Lavoro e diritto penale

*What is the situation of people who are unable to make decisions due to a physical or mental change? This book gives impulses and answers to many ethical, economical and mainly legal questions which arise and are associated with the end of life. A universal human rights approach and the analysis of the relevant European law are put in front of the presentation of the national legal situations in Italy and Germany. The most topical and controversial issues concerning advance care planning are presented as well as a transnational economic analysis on the effects of advance care planning.?*

*La monografia cerca di mettere in primo piano il passaggio del diritto penale ad una nuova forma che lo rende aperto a nuove prospettive, dinamico e strutturato in modo tale da abbracciare un sistema di fonti verticali e non più orizzontali. La scienza penalistica sta offrendo, dunque, la visuale di un sistema penale sempre più europeo e pronto a soluzioni in stretta collaborazione con il diritto esterno. Vengono messe anche in evidenza le lacune che tale diritto penale del futuro dovrebbe colmare, tra queste il momento esecutivo della pena nel rispetto dei valori Costituzionali. Dipoi, sempre nell'ottica del domani, si discute sulla possibilità di oltrepassare le carceri e consentire la rieducazione secondo modalità tali da non calpestare la dignità. La certezza del diritto e della pena deriva, in primis, dalla certezza della legge e dal coraggio di attuarla.*

Criminologia e diritto penale dell'economia

La certezza giuridica e un nuovo diritto penale

Questioni di fine vita e diritto penale

Italian Populism and Constitutional Law

Doping e diritto penale

New Developments in European Legislation and Case Law after the Lisbon Treaty

*This book deals with sentencing in international criminal law, focusing on the approach of the UN ad hoc Tribunals for the former Yugoslavia (ICTY) and Rwanda (ICTR). In contrast to sentencing in domestic jurisdictions, and in spite of its growing importance, sentencing law is a part of international criminal law that is still 'under construction' and is unregulated in many aspects. International sentencing law and practice is not yet defined by exact norms and principles and as yet there is no body of international principles concerning the determination of sentence, notwithstanding the huge volume of sentencing research and the extensive modern debate about sentencing principles. Moreover international judges receive very little guidance in sentencing matters: this contributes to inconsistencies and may increase the risk that similar cases will be sentenced in different ways. One purpose of this book is to investigate*

***and evaluate the process of international sentencing, especially as interpreted by the ICTY and the ICTR, and to suggest a more comprehensive and coherent system of guiding principles, which will foster the development of a law of sentencing for international criminal justice. The book discusses the law and jurisprudence of the ad hoc Tribunals, and also presents an empirical analysis of influential factors and other data from ICTY and ICTR sentencing practice, thus offering quantitative support for the doctrinal analysis. This publication is one of the first to be entirely devoted to the process of sentencing in international criminal justice. The book will thus be of great interest to practitioners, academics and students of the subject.***

***This book deals with human rights in European criminal law after the Lisbon Treaty. Doubtless the Lisbon Treaty has constituted a milestone in the development of European criminal justice. Not only has the reform following the Treaty given binding force to the EU Charter of Fundamental Rights, but furthermore it has paved the way for unprecedented forms of supranational legislation. In this scenario, the enforcement of individual rights in criminal matters has become a core goal of EU legislation. Alongside these developments, new interactions between national and supranational jurisprudences have emerged, which have significantly contributed to a human rights-oriented approach to European criminal law. The book analyses the main developments of this complex phenomenon from an interdisciplinary perspective. Criminal and procedural law, constitutional law and comparative law must thus be combined to achieve a full understanding of these developments and of their impact on national law.***

***Diritto penale elementi e studii (etc.)***

***Corruzione privata e diritto penale***

***Memory and Punishment***