

Parte I**Dottrina**

FRANCESCA BARTOLINI, La persona trans e l'inerzia del legislatore» 633

Abstract. The author, having reconstructed the stages of evolution in terms of recognition of the rights of the transsexual person (with respect to self-determination in the use of one's body and to the person's rights within family relationships), points out a misalignment of the Italian legal system with respect to other legal systems and urges the triggering of a debate at European level and a legislative action aimed at the implementation of harmonized measures to ensure equal rights for trans persons.

VERA BILARDO, Regimi patrimoniali familiari e successione necessaria.» 649

Abstract. The plurality of family models, especially after Law No 76 of 20 May 2016, calls for a more comprehensive analysis of the existing links, in terms of discipline, between family property regimes and law of succession. This is in order to identify any divergences, aporias and/or disparities in treatment between spouses, civil unions and cohabitants, and in a consequent attempt also to clarify what are the limits and possible approaches to an enhancement of private autonomy in the area of succession that can be used to eliminate or, at least, mitigate such disparities.

ANNA ANITA MOLLO, Il testatore vulnerabile e le esigenze di rinnovamento delle norme sulla successione a causa di morte a tutela dei diritti delle persone con disabilità: il testamento digitale videoregistrato» 671

Abstract. New technologies represent a fundamental support for persons with disabilities, enabling them to maintain an adequate level of autonomy in social and family relations, also thanks to the so-called 'non-verbal communication'. In relation to this, the legal system does not always succeed in guaranteeing legal relevance to the will expressed through technological devices. This determines a condition of significant vulnerability of the disabled person in the field of inheritance, due to the fact that the testamentary forms provided for by the Civil Code are out of date by the technological evolution. The contribution intends to examine possible regulatory solutions to eliminate any discrimination in inheritance law for persons with disabilities.

Parte II**Giurisprudenza**

SIMONA CACACE, Il riconoscimento giuridico del terzo sesso (nota a Corte EDU, sez. V, 31 gennaio 2023 - ric. n. 76888/17 - causa Y. c. Francia)» 699

Abstract. Taking inspiration from a recent ruling of the European Court of Human Rights, the Author investigates the condition of intersex people, questioning the possibility of legal recognition of a third sex within the Italian legal system. Given the only optional nature of health treatments aimed at conforming the anatomical aspect with the identity profile, as established by the most recent case law, the Author suggests the uselessness of gender indication, denying the constitutional protection of binary schematism.

LAVINIA VIZZONI, Adozione legittimante con mantenimento dei legami con la famiglia di origine del minore: la parola alla Corte costituzionale (nota a Cass. civ., sez. I, ord. 5 gennaio 2023, n. 230).....» 745

Abstract. The paper deals with decision no. 230 of January 5th, 2023, of the Italian Court of Cassation. The decision raises a question of constitutionality about Article 27, 3° c, Law 184/193, which provides that the "full" adoption of the minor produces, as an automatic effect, the interruption of relations with the family of origin. The case law of recent years, in an attempt to adapt to social changes, and especially to new parenting models,

has produced solutions that are not particularly attentive to the systematic side of the adoption institution. In particular, the so-called "open adoption" grafts onto full adoption the characteristic, peculiar to the adoption in special cases, of maintaining the child's relations with the family of origin. The crucial issue is how the Constitutional Court will orient itself: a decision of acceptance would have a disruptive effect and would force a rethinking and rewriting of the institution as a whole. A rejecting decision, which is considered preferable, would leave open the problem of protecting "special orphans", which could find settlement through recourse to foster care.