

Parte I Dottrina

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Abstract. The paper analyses the theme of personal freedoms within the marital relationship: excluding that the condition of spouse entails exclusions or limitations of principle in their exercise, it is also denied that any agreement between the spouses on the matter could assume decisive relevance: the theme of personality rights is a matter that goes beyond the scope of "family governance" and therefore eludes the need or obligation of an "agreement". It is true, however, that, on the one hand, certain freedoms – and in particular sexual freedom and freedom of movement and residence – are directly involved in the marriage, involving specific marital duties, and, on the other hand, that the family dimension presents needs that may need to be taken into account in the ways in which individual freedoms are exercised: this concerns, in particular, the need for respect for the personality and sometimes even the sensitivity of the spouse.

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Abstract. The paper examines some of the main problems arising from the use of a handwritten will and suggests solutions based on the use of the atypical content of the will in an (anti)procedural function.

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Abstract. The recent law, which has provided for the prosecution of the crime of maternity surrogacy wherever it is committed, poses specific problems for the jurist regarding the admissibility of this practice in light of the principles of the legal system, but above all questions relating to the matter of whether it is truly guaranteed the protection of children born from this practice with a view to pursuing their best interests.

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Abstract. Young internet users actively browse and interact on digital platforms, using social networks, forums, video sharing sites and other applications to communicate, share images, learn and have fun. With online platforms, minors create content and, through technological supports, can become digital artists and share their works on social media gaining not only popularity but also earning opportunities. Since they are incapacitated, the role of parents as educators and legal representatives of the children's property and non-property rights should be examined

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Abstract. Italian digital succession continues to cause reconstructive and applicative uncertainties, also following the most recent decisions of the case law. This work focuses on the main issues related to the mortis causa transmission of digital assets, with particular regard to the personal data of the deceased. In particular, the author reflects on the need to adopt an approach based on the 'theory of goods', with a view to legally qualifying the single digital asset before determining its legal discipline and its possible inclusion in the subject of the deceased's succession. In this perspective, at the same time, the nature of the de cuius' personal data is investigated in order to assess whether they can be qualified as (immaterial) assets in the legal sense and whether the proprietary paradigm can operate with respect to them.

Parte II

Giurisprudenza

GAETANO DI MARTINO, Persone vulnerabili e matrimonio: una normativa irrazionale ed ampiamente superata (nota a Cass. civ., sez. I, ord. 17 gennaio 2024, n. 1770)» 801

Abstract. The right to marry and to found a family is expressly recognized by numerous international conventions and the Italian Constitution. Therefore, a balance must constantly be sought between the legitimate aspirations of the vulnerable person to marry and the protection of his or her will, which must not be coerced or manipulated. The personal protection institutions regulated by the legislature – in Articles 404 ff. and 414 ff. of the Civil Code – do not seem to guarantee this complicated balancing of values adequately. Article 558-bis of the Criminal Code, for its part, punishes those who induce a vulnerable person into marriage (or civil union) by abusing his or her status and working, family, or caring relationships, without indicating the consequences for the civil effects of the marriage itself. The contribution, therefore, indicates some essential points of a desirable reform of support administration (in Italy, so-called “Amministrazione di sostegno”), and of the discipline of invalidity of marriage.

Parte III

L'opinione di

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Abstract. The arguments on which the Constitutional Court's judgment No. 148 of 25 July 2024 is based, on the one hand, require the interpreter to ascertain whether any doubts raised by the family business discipline can be considered dispelled and, on the other hand, lead to the questioning of the prospects of the protection of employment and adequate remuneration in cases with a substantially similar content, but lacking the cumulative existence of all the elements that would allow their return to the discipline contemplated by Article 230-bis of the Civil Code.