

Parte I

Dottrina

- ANTONELLO SPADAFORA, Nuove prospettive della contrattazione sugli affetti..... p. 3

The process of privatization of family law, also developed by the regulatory choices recently made in the work of rationalization of the procedural discipline, expresses a trend that has been underway since years in our legal system: which, however, is waiting to receive a definitive impulse to be led to its complete development. Such a result would offer a decisive index of systematic coherence in the matter.

- GIANCARLO IACCARINO, Il passaggio generazionale nei paesi di Common Law e di Civil Law. Una breve analisi focalizzata sulle donazioni in Italia e in Argentina.....» 23

The generational transition of real estate, movable, business, and digital assets has generated a constant and growing interest within the international legal landscape, aiming to identify the most effective avenues for its planning both post-mortem through wills and during one's lifetime through various instruments, including donations, trusts, insurance, and foundations. In Anglo-Saxon legal systems, where the concept of family is characterized by greater flexibility and where succession agreements are not prohibited, such planning proves to be more straightforward. In Italy, the issue of donation provenance has not yet been fully resolved, neither by the minor reform of 2005 nor by the multiple solutions proposed by scholars. In this context, a comparison with the Common Law legal system, may be beneficial, along with a comparison to other Civil Law jurisdictions, such as Argentina, which have regulated effective remedies including the ability to waive the action for restitution even if the donor is still alive. To overcome this impasse in Italy as well, two legislative proposals have been formulated, one by the notary profession and the other by the Government, the latter of which seems destined for approval. The aim of this paper is to attempt to demonstrate that, even in Italy, under the current legislation, the issue of donation provenance can be resolved through the application of the anticipatory waiver of the action for restitution.

- MARIA ALESSANDRA IANNICELLI, La disciplina di attribuzione del cognome ai figli: prospettive di armonizzazione in Europa..... 57

In recent years, there has been a slow and progressive convergence between the regulatory models in force in Europe regarding the attribution of surnames to children, which is part of the process of "harmonization of family law" that Prof. Salvatore Patti has excellently examined, albeit with reference to other topics. The Author therefore highlights some significant contributions from Prof. Patti which provide interesting insights for an analysis of the discipline of the surname "with a view to European harmonization", and ultimately considers – based on the solutions adopted so far – the possibility of a future unified regulation at the European level.

- LUCILA INÉS CÓRDOBA, Necesidad de atender en mayor medida el derecho y deber de asistencia del adulto mayor a fin de efectivizar sus derechos humanos fundamentales.....» 67

The situation of assistance needs of the elderly in the Argentine Republic is presented. Currently, in that country, there are rules of a hierarchy similar to the National Constitution that regulate the rights of the aforementioned group, but there is a very wide gap and a very open regulation regarding the specific rights that correspond to them, as well as regarding who are the people who must fulfill such duties. The existence of a residual duty of descendants towards their parents is concluded, specifically assessing that, if there is a duty of minor children towards their parents, even with greater emphasis should govern the fulfillment of assistance when there is greater capacity for it. In the work, the idea expressed is substantiated by citing the jurisprudence and doctrine highlighted in the matter.

MARCOS MAURICIO CÓRDOBA, Soggetto e solennità testamentaria in ambiente digitale e nuove forme digitali	77
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Argentine law strictly regulates wills, recognizing only two forms: holographic and public act. Formalities are paramount, and non-compliance results in nullity. This strict formalism aims to protect the testator's will. Modern legal systems maintain this discipline due to increasing digital privacy violations and data alteration. While some advocate for integrating technology into will-making in certain jurisdictions, others express concerns about security. A balanced approach to digitalization is needed, adapting the law to this new reality while preserving the certainty of testamentary acts. The law prioritizes safeguarding testamentary intentions. Digital advancements pose challenges to traditional testamentary practices. Finding a secure and legally sound way to incorporate technology is crucial. This requires careful consideration of both innovation and established legal principles.

MARIA ZINNO, Riflessioni su conferma ed esecuzione volontaria di disposizioni testamentarie nulle...	91
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The Article 590 of the Italian civil code (confirmation and voluntary execution of void testamentary provisions) is a classic issue, which can be read in the light of solidarity and self-responsibility, even more today. Moving from this premise, the paper proposes some reflections, focusing on theoretical foundation and application of the rule, but also testamentary formalism and new technologies.

LUCA COLLURA, La pubblicità degli accordi di reintegrazione della legittima: aspetti dogmatici, operativi e fiscali.....	103
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The so-called "legitimate reinstatement agreements" are a particularly fascinating institution which have aroused the interest of many legal scholars. Having been regulated only by the tax legislator, it is doubtful what exactly their legal nature is and, consequently, what discipline should be reserved for them from a substantive point of view. This paper, after having briefly framed the institution from a dogmatic point of view, examines in depth, distinguishing the various possible cases, what the theoretical and practical rules are to be followed to give adequate publicity to real estate transfers deriving from a reintegration agreement and the tax treatment to be reserved for the advertising formality that concerns it.

Parte III

L'opinione di

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The decline in the number of marriages under the community property regime in Italy is now a strong data point since the percentages of marriages celebrated under the regime of separation of property are constantly increasing. This phenomenon is much more relevant in Italy than in other European States. It is therefore necessary to consider the deep reasons for this phenomenon. Certainly, one of the causes can be identified in the difficulties that interpreters have faced in applying the rules introduced by the 1975 family law reform. This paper aims to identify the remote historical origins of the rules introduced by the 1975 reform, which share common origins with the French model, although the Italian legislator has diverged on some essential aspects. Based on this historical reconstruction, some perspectives for a new reform are indicated.