

Parte I Dottrina

- ROBERTO AMAGLIANI, Massima attuazione della Costituzione, *Drittwirkung* e principi in materia di diritto di famiglia» 143

Abstract. The essay starts from the events that celebrated the fiftieth anniversary of Salvatore Pugliatti's last lecture and reviews some opinions expressed by scholars regarding the use of general principles (and constitutional ones in particular) in identifying remedies capable of ensuring effective protection of subjective legal situations. Based on this premise, it reflects on the role that general principles established in the field of family law and child protection can play, highlighting the specificity of the topic in relation to certain institutions that can be considered emblematic.

- VALENTINA PICCININI, La legge sulla procreazione medicalmente assistita di nuovo al vaglio della Corte costituzionale. Nuove soluzioni per vecchi problemi?» 159

Abstract. The paper analyses the latest constitutional legitimacy issues raised in relation to the Italian law No. 40/2004 on medically assisted procreation. Specific cases are examined regarding the exclusion of female homosexual couples and single women from access and the implications on the status filiationis of the children born, highlighting normative contradictions and disparities. Recent Italian court orders highlighting regulatory gaps and unequal treatment are discussed, as well as the limits of previous interpretations of the Constitutional Court. The paper proposes a constitutionally oriented reading to overcome such discriminations, underlining the urgency of a legislative intervention that respects social and legal evolution.

- FELIPE MOORE, Principios de solidaridad y autorresponsabilidad en la continuidad de la empresa familiar» 183

Abstract. Family businesses are key to the economy of Argentina, Italy, and the world. In Italy, legal tools such as "Patti di famiglia" are crucial for generational continuity. In Argentina, some specific regulations have been enacted, and succession agreements concerning businesses are permitted, but the legal framework remains insufficient. The principles of self-responsibility and solidarity, both ethical and legal, are fundamental for the continuity of family businesses (with the benefits this brings not only to heirs but also to suppliers, consumers, and society as a whole); preventing conflicts and ensuring sustainability, while promoting cooperation among family members and co-contractors. It is necessary to strengthen the laws to ensure a smooth transition, considering the individual benefits of the parties as well as the positive impact of these businesses on the economy.

- RITA LA MANNA, La «comunità di responsabilità» nel diritto tedesco: un progetto dal futuro incerto» 191

In the wake of a well-established European trend to explore the new horizons of 'being together', the German legal system is also reflecting on 'shared life projects' in which the union between the partners is no longer aimed at the realisation of a sentimental relationship or the mere satisfaction of a housing need, but rather at the participation and implementation of values of solidarity and mutual assistance. In this new scenario, the Verantwortungsgemeinschaft appears in the legal landscape of German family law, an institution by means of which two or more persons - up to a maximum of six - not necessarily linked by love relationships, assume responsibility for one another, with the aim of guaranteeing each other assistance and cooperation during the relationship. This contribution aims to provide a detailed overview of the characteristics of the new model, reflecting the regulatory gaps and critical application issues that have emerged in the German doctrinal debate.

Parte II

Giurisprudenza

TOMMASO MAUCERI, “Sposarsi per prova è fonte di responsabilità?” (nota a Cass. civ., sez. III, ord. 5 novembre 2024, n. 28390).....» 225

Abstract. Does anyone who, at the time of getting married, suffers from radical doubts and reservations about the possibility of the marriage working have a legally relevant obligation to reveal such doubts to the future spouse? The Court of Cassation addresses this peculiar and original question as if a negative answer should automatically come from the acquired jurisprudential elaborations, but these critical notes highlight how even if the interest in confidentiality is considered to be included in marital freedom, this constitutes a conditional right in the face of the personality rights of the other spouse.

PAOLO ROMEO, Sugli effetti della dichiarazione di accettazione con beneficio d’inventario da parte del legale rappresentante del minore d’età (nota a Cass. civ. Sez. Un., 6 dicembre 2024, n. 31310).....» 247

Abstract. The judgment under commentary primarily addresses the question concerning the effects of the deed of acceptance of an inheritance under benefit of inventory performed by the legal representative of a minor, in the absence of the subsequent inventory operations. The concrete occasion arises from the renunciation of the inheritance by two individuals who, having in the meantime attained the age of majority, formally disclaimed their rights in the succession of their predecessor, notwithstanding the fact that, while still minors, their legal representative had accepted the inheritance on their behalf, invoking the benefit of inventory, yet failing to carry out the ensuing inventory proceedings. In this context, the judicial ruling thus offers an occasion for a brief reflection on the broader issue of express acceptance of inheritance, with particular regard to acceptance under benefit of inventory, illustrating how general legal categories retain their interpretive relevance in the resolution of the concrete case.