

Parte I
Dottrina

- ALBERTO AZARA, Circolazione dei beni e tutela dei legittimari dopo la legge n. 182/2025.....» 135
The article examines the reform of forced heirship introduced by Article 44 of Law No. 182 of 2 December 2025, highlighting its underlying policy choice: to reduce the scope of the forced heir's real remedies in favour of the stability of transactions involving assets of donative origin. After reconstructing the new framework of Articles 561, 562, 563, 2652 and 2690 of the Italian Civil Code, the Author identifies three critical issues: the unresolved question of the right to the reintegration of the forced share after the expiry of the three-year period provided for in Article 2652(1), No. 8; the risk of overcompensation of the forced heir under the new Article 561; and the asymmetry between the legal position of transferees from the donee and that of transferees from the heir or legatee. In conclusion, the article considers the possible role of the actio pauliana, suggesting, in exceptional cases, its analogical application also for the protection of the prospective forced heir.
- FEDERICO AZZARRI, Autodeterminazione della persona e degiurisdizionalizzazione della procedura di rettificazione anagrafica di sesso.....» 161
Compared with other European legal systems, the Italian legislation on gender recognition is outdated and fails to provide a full protection of the fundamental rights of transgender people. This article examines the need for a reform that promotes the principle of self-determination and the de-judicialisation of the procedure, highlighting the most important issues that should be addressed in this perspective (i.e. the requirements for gender recognition, the matter of name, the age of eligibility for the procedure and its substantive effects).
- FEDERICA PRATO, Verso il riconoscimento dei *prenuptial agreements*: la svolta giurisprudenziale.....» 187
Recent case law developments are important milestones in the heated debate surrounding the admissibility of prenuptial agreements in our legal system. Over the past year, the Court of Cassation has recognised the validity of agreements between spouses aimed at regulating their (not only) financial relations in the event of marriage breakdown, considering such an event as a mere condition (lawful) precedent to the contract. Therefore, prenuptial agreements, subject to the limitation of respect for inalienable rights, would constitute an expression of contractual freedom in family law, aimed at realising interests worthy of protection pursuant to Article 1322 of the Italian Civil Code.
- GENNARO DEZIO, La filiazione oltre il dato biologico: evoluzioni nei formanti del diritto.....» 211
In the Italian legal system, filiation constitutes the fundamental prerequisite for defining the legal relationships between parents and children, as well as the point of convergence between the protection of the person, parental responsibility, and the safeguarding of the minor's identity. Over the last few decades, legal doctrine and jurisprudence have progressively decoupled parenthood from the family archetype based on marriage, emphasizing the relational dimension and individual autonomy as the structural and characterizing elements of contemporary family formations. Within this framework, the regulation of filiation has assumed a central role in the civil law system, expressing a model of status filiationis understood as a complex of reciprocal rights and duties, oriented towards affective continuity, the stability of educational relationships, and the construction of the minor's personal identity. The objective of this work is to provide a reconstruction of the

institutional evolution of filiation, from its roots to the most recent acquisitions of “living law”, highlighting the transformations that have led to the current relational paradigm of filiation, also in light of constitutional and supranational jurisprudence.

GIULIA VARISCO, Il ruolo del minore nell'adozione in casi particolari.....» 233

Following a brief introduction on the evolution of a child's right to self-determination and participation in proceedings concerning them, this article examines the possibility that a child, through the appointment of a guardian ad litem, may file an adoption petition pursuant to Article 44 of Law No. 184 of 1983. The analysis focuses on situations in which out-of-family foster care has continued for a long time, resulting in the formation of significant emotional bonds, and assesses the compatibility of such an initiative with the current legal framework, constitutional case law, and the principle of the best interests of the child.

DAVIDE CLEMENTI, Contrarre da minore nell'era digitale. Aporie, modelli e prospettive tra Europa continentale e Cina.....» 253

This article examines the contractual capacity of minors in online environments through a comparative analysis of European continental law and Chinese law. It argues that traditional civil law remedies – particularly the ex post annulment of contracts concluded by minors – are structurally inadequate to govern the speed and dematerialisation of digital transactions. In the European framework, the protection gap is largely filled by platform-driven self-regulation (Terms of Service, parental controls), which effectively shifts the burden of oversight onto parents. Chinese law, by contrast, deploys a pervasive ex ante regulatory apparatus rooted in a paternalistic conception of the State's role, combining strict time and spending limits with real-name identification systems. Drawing on the common law doctrine of piercing the corporate veil as a functional analogy, the article proposes a reconceptualisation of the digital account as a “veil” that dissociates the formal account holder from the actual user, thereby raising fundamental questions of imputation and liability allocation. The analysis concludes by advocating for a co-regulatory model that distributes responsibility among platforms, parents, and public institutions, grounded in objective and verifiable criteria of digital consumption rather than formal declarations of age.