

Riforma Costituzionale

Maike Heber

La riforma costituzionale. Perché votare no al referendum Enrico Sirotti Gaudenzi, 2016 La riforma costituzionale Renzi - Boschi è una proposta di riforma contenuta all'interno del testo di legge costituzionale approvato dal Parlamento il 12 aprile 2016, che dovrà essere sottoposto a referendum confermativo. L'autore analizza i punti salienti della riforma esponendo le ragioni del no che si sono sollevate trasversalmente nel panorama politico nazionale. L'autore si sofferma nell'ultima parte sulle argomentazioni del no avanzate dall'area politica di centrodestra.

La riforma costituzionale Arrigo Solmi, 1924

Come cambia la Costituzione? Marilisa D'Amico, Giuseppe Arconzo, Stefania Leone, 2016-07-12 Nell'aprile del 2016 il Parlamento italiano ha approvato una legge di riforma costituzionale che, se troverà conferma nel voto del referendum, apporterà importanti modifiche all'architettura istituzionale del nostro Paese. Essa contiene infatti innovazioni che mirano a superare il bicameralismo paritario, trasformare il ruolo del Senato, ridefinire il sistema regionale e correggere alcune imperfezioni del disegno costituzionale vigente. È opportuno che il dibattito in corso nell'opinione pubblica, troppo spesso contaminato da valutazioni di carattere politico che rischiano di sviare l'attenzione dal merito, si concentri sui contenuti della riforma. Il volume, in questa prospettiva, si propone di fornire una guida ragionata, rivolta anche ai non addetti ai lavori, sulle principali novità introdotte dalla legge costituzionale, dando conto dei suoi indubbi aspetti positivi e delle critiche che ad essa vengono rivolte. Marilisa D'Amico è Professore ordinario di Diritto costituzionale nell'Università degli Studi di Milano, dove insegna Diritto costituzionale e Giustizia costituzionale. Dirige la Sezione di Diritto costituzionale ed è Coordinatrice del Discrimination and Inequalities Research Strategic Team (DIRECT). È componente del Consiglio di Presidenza della Giustizia amministrativa. Nella sua attività di ricerca si occupa di tutte le problematiche del diritto costituzionale, con particolare attenzione ai diritti fondamentali, alla giustizia costituzionale e al diritto antidiscriminatorio. Giuseppe Arconzo è Ricercatore di Diritto costituzionale e Delegato del Rettore alle disabilità nell'Università degli studi di Milano, dove insegna Diritto costituzionale progredito e Diritti delle persone con disabilità. Nella sua attività scientifica si occupa in particolare di fonti del diritto, diritto regionale e tutela dei diritti delle persone con disabilità. Stefania Leone è Ricercatrice di Diritto costituzionale nell'Università degli Studi di Milano, dove è titolare di corsi integrativi sui temi della magistratura e dei diritti sociali. Nella sua attività di ricerca si occupa prevalentemente di

diritto antidiscriminatorio e forma di governo.

Perché sì Autori vari, 2016-10-06T00:00:00+02:00 Perché... fa quello che i partiti promettono da trent'anni senza esserci fin qui riusciti ● trasforma un doppione della Camera in un Senato che rappresenta le autonomie ● semplifica il procedimento legislativo ● impedisce l'abuso dei decreti-legge e limita il ricorso alla fiducia ● razionalizza il riparto delle competenze fra Stato e Regioni ● ridisegna la repubblica delle autonomie ● rende più efficienti le istituzioni eliminando gli sprechi ● potenzia gli strumenti di partecipazione popolare ● amplia le garanzie democratiche ● delinea istituzioni più stabili e rende la nostra voce più forte in Europa ● non tocca i principi della prima parte della Costituzione, ma anzi li valorizza ● non aumenta i poteri del governo, ma anzi li razionalizza ● non riguarda la legge elettorale, ma anzi la sottopone a controlli più stringenti ● semplifica la vita dei cittadini e delle imprese ● migliora la qualità della democrazia.

Costituzione, lotte sociali, riforma costituzionale Giuseppe A. Di Marco, 2006

Politika 12 Günther Pallaver (Herausgeber), Hermann Atz, Roland Benedikter, Thomas Benedikter, Giuseppe De Cesare, Gabriele Di Luca, Joachim Gatterer, Kris Krois, Martin Larch, Roberta Medda-Windischer, Peter Hilpold, Günther Lengauer, Francesco Palermo, Christoph Perathoner, Nadja Thoma, Andreas Trenker, Alessandro Zendron, 2014-03-15 Nach langem, zähen Verhandeln, zweimaliger Befassung der UNO-Generalversammlung mit der Südtirolfrage und Verabschiedung eines Paketes an Maßnahmen wurde 1972 das zweite Autonomiestatut für Südtirol beschlossen. Darin überträgt der italienische Staat der Provinzverwaltung weitreichende gesetzgeberische Kompetenzen. Zwanzig Jahre später wurde die letzte der Paket-Maßnahmen umgesetzt, womit 1992 der Südtirolkonflikt mit der Streitbeilegungserklärung Österreichs und Italiens vor der UNO offiziell für beendet erklärt werden konnte. Wie hat sich seitdem die Südtirolautonomie weiterentwickelt? Analysiert werden unter diesem Blickwinkel Politik, ethnischer Proporz, Wirtschafts- und Arbeitsmarktpolitik und viele weitere Fragen. Fixer Bestandteil ist wiederum der Rückblick auf die Ereignisse des Vorjahres nach Datum geordnet sowie in einem Essay zusammengefasst und auf den Punkt gebracht.

Südtirols Minderheitenschutzsystem Matthias Haller, 2021-04-21 Südtirol ist ein Paradebeispiel für die friedliche Lösung von Minderheitenkonflikten. Sein Erfolg beruht auf einem komplexen Zusammenspiel von völker- und verfassungsrechtlichen Instrumenten und Schutzregelungen. Die Arbeit beleuchtet dieses facettenreiche Minderheitenschutzsystem in seiner Gesamtheit - vom österreichisch-italienischen Pariser Vertrag 1946 über den dazu vor der UNO entbrannten Streit bis hin zu den Entwicklungen der letzten Jahre. Als aktuelle Herausforderungen des Schutzsystems wird zudem erstmals analysiert, wer die deutsch- und die ladinischsprachige Minderheit heute in völkerrechtlicher Hinsicht vertreten darf, und wie die zahlreichen Einschränkungen der Autonomie, die das Land nach einer Reform der italienischen Verfassung im Jahr 2001 hinnehmen musste, wieder rückgängig gemacht werden können. Damit leistet die Arbeit nicht nur einen Beitrag zu aktuellen politischen Fragen, sondern dient zugleich auch als Handbuch zum Südtiroler Minderheitenschutzsystem.

70 anni Accordo di Parigi Walter Obwexer, Eva Pfanzer, 2020-11-16 Der Band versammelt in italienischer Sprache die Beiträge zweier Konferenzen zum Gedenken an die Unterzeichnung des Gruber-Degasperi-Abkommens in Paris am 5. September 1946 (auch Pariser Vertrag genannt), das den Schutz der kulturellen Eigenart der deutschsprachigen Bevölkerung in der Region Trentino-Südtirol garantiert. Zunächst geht es um eine historische Reflexion über die Ursprünge des Abkommens und die Umstände, unter denen es geschlossen wurde, sowie eine Bewertung des 1946 erzielten Ergebnisses im Hinblick auf seine Bedeutung für die Südtiroler Autonomie und das europäische Friedensprojekt. Überlegungen zur grenzüberschreitenden Zusammenarbeit in der EU und den internationalen Minderheitenschutz ergänzen den interdisziplinären Sammelband.

La Costituzione in movimento Adriana Apostoli, Mario Gorlani, Silvio Troilo, 2016-11-04

La Costituzione promessa Peppino Calderisi, Fabio Cintioli, Giovanni Pitruzzella, 2004

Italiens Demokratie zwischen Volkssouveränität und Verfassungsvorrang Maike Heber, 2020-04-28 Maike Heber geht der Frage nach, wie sich in Italiens Politik und Gesellschaft die dominierende Vorstellung von Demokratie und ihrer Gestaltung nach 25 Jahren Reformprozess verändert hat. Die Verfassung von 1948 ist trotz vieler Versuche, das politische System zu erneuern, weitgehend unverändert geblieben. Der normative Verfassungsvorrang scheint sich damit erfüllt zu haben, doch das allgemeine Demokratieverständnis hat sich durch die Reformdebatte deutlich gewandelt. Neben der Föderalisierung hat die direkte Legitimation des politischen Leaders durch die Wählerschaft stark an Bedeutung gewonnen, bis dahin, dass konstitutionelle Beschränkungen und parlamentarische Aushandlung als vermeintlich undemokratische Hindernisse immer weniger Akzeptanz finden.

Proposte per una riforma costituzionale Enrico Bartoletti, 2021

Aggiornare la Costituzione Guido Crainz, Carlo Fusaro, 2016-07-22T00:00:00+02:00 «La prima parte della Costituzione superava ampiamente gli orizzonti culturali del tempo e proiettava il paese nel futuro: inevitabilmente invece la seconda parte - quella di cui oggi si discute - fu fortemente influenzata dai rischi incombenti, dalle incognite e dalle paure di allora. Tutto questo si aggiungeva all'esperienza ancora bruciante del fascismo. Di qui l'impostazione che poi prevalse, al termine di un percorso accidentato e non lineare». Guido Crainz «Non siamo a un cambiamento della Costituzione, a una sua trasformazione in qualcosa di diverso, tanto meno - come pure i critici più accaniti sostengono - a un suo stravolgimento: siamo di fronte a una incisiva modificazione che punta ad adeguare e ammodernare la sola seconda parte della Costituzione per renderla più funzionale». Carlo Fusaro A quasi settant'anni dalla sua entrata in vigore, la nostra Costituzione è al centro di un passaggio referendario importantissimo. Non sono, beninteso, in discussione i principi fondativi. La riforma, approvata dai due rami del Parlamento - dopo trent'anni di discussioni e dopo un lungo e complesso itinerario tra Camera e Senato - riguarda la seconda parte della Carta, ovvero quella che interessa i meccanismi di funzionamento del nostro ordinamento

democratico. Il quesito che avremo davanti non consentirà distinguo. Non saremo, in altri termini, chiamati a decidere tra diverse ipotesi possibili. Dovremo dire soltanto se vogliamo che sia mantenuto intatto il vecchio ordinamento o che vengano introdotti degli aggiornamenti - perché di questo si tratta - nella parte che regola questioni essenziali per la vita del nostro paese: la fiducia ai governi, la natura del Senato, i rapporti tra le due Camere, la snellezza delle procedure di approvazione delle leggi, la distribuzione delle competenze tra Stato e Regioni. Per paradosso, proprio la nettezza del quesito ci chiama alla responsabilità di valutarne bene la portata. Cosa cambia davvero nella riforma che il Parlamento ha approvato? Cosa rimane invece saldamente immutato? E qual è lo spirito complessivo, il senso dei cambiamenti proposti? Il punto da cui tutto prende le mosse non può che essere l'esperienza storica della nostra vicenda repubblicana. Non vi è dubbio che all'origine la Costituzione, in fatto di equilibri del sistema, fu il frutto di un compromesso tra le istanze delle diverse forze politiche e ideali che diedero origine alla Repubblica. Vi sono anche pochi dubbi circa il fatto che quel compromesso abbia prodotto, nel tempo, disfunzioni, farraginosità, inefficienze che hanno reso complicato il percorso della nostra democrazia. Naturalmente il nostro ordinamento si sarebbe potuto cambiare in maniere diverse. L'unica cosa che è davvero difficile sostenere è che esso fosse «buono in sé», e che dunque non si dovesse assolutamente toccare. Così come l'esperienza storica dimostra quanto sia complicato, data la frammentazione del nostro sistema politico, aggregare una maggioranza parlamentare in grado di varare una riforma costituzionale. Si tratta perciò di una occasione difficilmente ripetibile. Questo libro, scritto a quattro mani da uno storico e da un giurista, vuole essere una guida ragionata ai cambiamenti ipotizzati. Per comprenderli, per valutarli, per soppesarli. E alla fine per scegliere, nell'unica maniera in cui si può decidere in una democrazia complessa: secondo il principio di responsabilità.

Italien zwischen Krise und Aufbruch Alexander Grasse, Markus Grimm, Jan Labitzke, 2017-08-21 Mit dem Amtsantritt Matteo Renzis im Februar 2014 waren in Italien große Hoffnungen verbunden. Dem jungen Ministerpräsidenten gelang es zunächst tatsächlich, eine Aufbruchsstimmung zu erzeugen, die dem krisen- und skandalgeschüttelten Land einen tiefgreifenden Wandel verhieß. Zunächst schien es, als könne die unvollendete Zweite in eine grundlegend reformierte Dritte Republik transformiert werden: Italia 3.0. Dieser Prozess ist durch das im Dezember 2016 gescheiterte Verfassungsreferendum zunächst ins Stocken geraten. Gleichwohl überdauern einige Neuerungen der Ära Renzi seinen zwischenzeitlichen Rücktritt und zahlreiche Reformprojekte werden weiterverfolgt. Die Autorinnen und Autoren des Bandes untersuchen anhand der Veränderungen der Institutionen, des Parteiensystems, der Entscheidungsprozesse und der politischer Kultur sowie anhand aktueller Reformen in ausgewählten Politikfeldern in den drei Dimensionen der Politik (Polity, Politics und Policy), ob bzw. inwiefern der erhoffte Aufbruch tatsächlich stattgefunden hat, in welchen Bereichen die italienische Wirklichkeit hingegen in den alten Strukturen und Handlungsmustern verhaftet blieb und wo eine zweite Regierung Renzi oder andere zukünftige Regierungen anknüpfen könnten.

La riforma costituzionale Renzi-Boschi. Analisi critica del testo di legge Mario Centini, 2016-12-02 Questo testo si propone di offrire un commento del testo di legge costituzionale articolo per articolo (non di tutti, sono esclusi quelli finali e alcuni sono accorpati per ragioni espositive). Le fonti utilizzate sono gli atti parlamentari di Camera e Senato, limitatamente ad alcuni dibattiti in aula, le audizioni di alcuni costituzionalisti avanti alle Commissioni Affari Costituzionali di Camera e Senato e alcune pubblicazioni edite in questi mesi in vista del referendum del 4 dicembre. Pubblicazioni alle quali si rinvia per la bibliografia in materia di riforme costituzionali. Precede il tutto una sintesi dell'iter parlamentare del ddl costituzionale.

Studi sul potere costituente e sulla riforma costituzionale dello Stato Costantino Mortati, 1972

Die Universität im Mehrebenensystem Cristina Fraenkel-Haeberle, 2014-02-11 Universitas semper reformanda est : Die Entwicklung einer Institution, welche die abendländische Kultur entscheidend mitgeprägt hat, wird anhand von drei europäischen Fallbeispielen (Deutschland, Österreich und Italien) dargelegt. Cristina Fraenkel-Haeberle untersucht dabei die sich abzeichnenden Internationalisierungsprozesse sowie die Mehrebenenstruktur des Hochschulwesens, das von der globalen Dimension bis hin zur Landes- bzw. Regionalebene reicht. Nach einer Schilderung der mittelalterlichen Entstehung der universitas als tradierte europäische Institution beleuchtet sie das immerwährende Spannungsverhältnis zwischen universitärer Selbstverwaltung und staatlicher Aufsicht rechtsvergleichend. Ebenfalls rechtsvergleichend analysiert sie die sich gegenwärtig abzeichnenden Entwicklungen unter dem Stichwort Wettbewerbsgedanke im Hochschulwesen im Verhältnis zur traditionellen Ordinariuniversität.

La riforma costituzionale Carlo Avarna di Gualtieri, 1924

Gubernative Rechtsetzung Armin von Bogdandy, 2000 English summary: Armin von Bogdandy re-interprets the provisions of the German constitution governing law-making. This re-interpretation is based on a comparative analysis of the legal systems in France, Italy, Spain and the UK, as well as on the inclusion of political science and legal philosophy. Governmental bodies are at the centre of the law-making process. The role of parliaments and representatives of society is analyzed from this viewpoint. German description: Armin von Bogdandy formuliert eine Konzeption der Rechtsetzung, die die Rechtsregime der deutschen Rechtssatzformen im Vergleich mit der Rechtslage in vier anderen europäischen Staaten unter Einbeziehung politikwissenschaftlicher und philosophischer Erkenntnisse neu entfaltet. Er zeigt, dass das Rechtsregime der Rechtsetzung treffender formuliert werden kann, wenn drei Eckpunkte der herkömmlichen Dogmatik aufgegeben und durch drei neue ersetzt werden. Dazu gehört erstens, dass die politische Gestaltung der Rechtsordnung nicht vom Parlament, sondern von der Regierung aus zu verstehen ist. Ausserdem kann zweitens das Recht der Rechtsetzung nicht in der Zweiteilung Gesetz - Verordnung entworfen werden, sondern muss als ein System unterschiedlich aufwendiger Regime betrachtet werden, die aufeinander arbeitsteilig abgestimmt sind. Und drittens muss Rechtsetzung nicht allein als ein einseitiger Hoheitsakt,

sondern auch als ein Ergebnis umfanglicher kooperativer Prozesse unter Einbeziehung einer Vielzahl von Beteiligten konzipiert werden. Armin von Bogdandy zeigt, wie in dieser Konzeption die verfassungsrechtlichen Partizipations-, Schutz- und Bewirkungsaufträge besser als im traditionellen Modell realisiert werden können.

Figli destituenti Giuseppe Palma, 2016-01-19 Il presente libro è un testo di diritto costituzionale attraverso il quale l'Autore affronta, con metodo scientifico, quelli che sono i principali aspetti di criticità della RIFORMA COSTITUZIONALE portata a compimento nel corso della XVIIesima legislatura. Il libro è un valido strumento per comprendere sia il contenuto che le criticità della revisione costituzionale.

Unveiling the Power of Verbal Art: An Emotional Sojourn through **Riforma Costituzionale**

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