Parte I
Dottrina

Abstract. *The term "family" no longer designates a single model (the family "founded on marriage"), but a plurality of family models emerged in social reality and subsequently regulated by the legal system.*

Abstract. *In the framework of the matrimonial property communion regime, the acquisition of a social participation by one of the spouses should be regarded as immediate or residual community, as long as this does not fall into the category of personal purchase. The distinction should be made with reference to the corporate typology involved, using the criterion of purpose mitigated by a presumptive mechanism, operating in favour of the acquiring spouse and the creditors. In particular, the share of a business company entailing unlimited liability upon the acquiring spouse falls within the scope of residual community, in view of an absolute presumption of entrepreneurship. On the other hand, in the case of purchase of a share of a business company entailing limited liability, the shareholding falls within the scope of immediate community, in view of a relative presumption of entrepreneurship. The acquiring spouse's creditors are entitled to provide contrary proof regarding the entrepreneurial purpose and, therefore, leading this to fall within the scope of residual community. However, in the case of a joint-stock company, the presumption of investment is absolute and does not admit such contrary proof.*

Abstract. *With respect to a foreign adoption that seeks recognition in the domestic legal system, the fundamental question arises as to whether it should qualify as a properly "foreign adoption" or as an "international adoption": while in the former case, the rule of automatic recognition applies and, in the event of a dispute, the competence for recognition lies with the Court of Appeal, which is called upon to assess whether the measure is not contrary to international public order; in the latter case, the Juvenile Court is competent to assess whether or not the special provisions of Law n. 184/1988 have been complied with. From a "black letter" law perspective, the answer appears sound: it is an "international adoption" when the applicants are persons residing in Italy or Italian citizens residing abroad and the adopting child is a foreigner. However, in practice, numerous hypotheses arise with uncertain boundaries. The essay analyses such cases in detail and attempts to offer reasoned solutions.*

Parte II
Giurisprudenza

Abstract. *The Supreme Court decides on the reference for a preliminary ruling («rinvio pregiudiziale») raised by the Court of Treviso and confirms the admissibility of the joint application for separation and divorce on a cumulative (even if temporally conditionedl) basis. The decision resolves the interpretative contrast that had arisen in doctrine and jurisprudence and recognises the need for a more functional protection of personal status, which takes into adequate consideration the now central value of spouses' autonomy, always safeguarding the best interests of the child and vulnerable persons and the peculiarities of the unavailable rights involved in the family crisis.*

Abstract. *The possibility to accumulate judicial requests for separation and divorce in the same proceeding, introduced by the so called "Cartabia reform" and amplified by the Supreme Court in the decision which also admits it in the proceedings on a joint application ex art. 473 bis.51 c.p.c., compromises the very function of the personal separation of the spouses. The automatic conversion of separation into divorce that follows makes judicial separation meaningless: the possibility of the reconciliation between spouses, at the basis of the institution, is excluded by the legislator himself. It seems therefore reasonable to abolish the judicial separation and maintain the consensual separation in the legal system, as an alternative remedy to divorce, respectful of the freedom of conscience and the will of the spouses. The aforementioned decision considers the marital crisis a unitary event and contains an important opening to the negotiation of its effects, both personal and economic, by the spouses, respecting the inalienable rights of children, over which the Court supervises.*

Abstract. *The subject of this essay is the analysis of the sentence of the European Court of Human Rights of 4 April 2023 (case O.H. and G.H. c. Germany) concerning a case of parental identity. Specifically, the ECtHR ruled on the wording to be included in the birth certificate of a child born to a transgender woman, who gave birth to the child after obtaining gender rectification and having been recognized as a man, even in the absence of a 'surgery.*