

Table of contents and abstracts

Editorial

The “decriminalization” of the economy and public offices through discretionary administrative powers: an overview (p. 7)

Marco Magri

Essays and Articles

Dura Lex, Sed Lex. Dissolution of Municipal Councils Controlled by Mafia, Prefect's Anti-Mafia Interdiction Orders and Judicial Review (p. 15)

Renato Rolli

The Italian legal system has many tools to fight organised crime, and this paper analyses the main ones about their compatibility with the Italian constitution to inviolable rights and case law. Recently this issue has been much debated because the legislation does not appear well-coordinated, and courts have intervened on several occasions with creative activity.

The Re-Use of Confiscated Mafia Assets Between Regulatory Redesign and EU Cohesion Policy Opportunities and NRRP Implementation (p. 71)

Nicola Gullo

The paper examines the recent changes to the legislation on properties confiscated to organised crime and highlights the current administrative system's positive and negative aspects for managing such assets. Furthermore, the paper also underlines how both the current cohesion policies and the National Recovery and Resilience Program (NRRP) are particularly aware of the need to promote social recovery and local governments' participation in confiscated assets.

The Mafia Phenomenon in Northern Italy: New Trends and Perspectives (p. 99)

Nando Dalla Chiesa, Federica Cabras

This article aims to explore the main features of the mafia phenomenon in the regions of Northern Italy. Starting from a reflection on the method and limits that often distinguish studies on this subject, this article identifies the main trends and reconstructs the geography of Mafia presences within the diversified northern territory. Once the overall scenario has been identified, the analysis focuses on the institutional contrast, deepening the role played by public authorities and municipalities.

Glow in the Sunset. Corruption Prevention Plans Between Crime Fighting and Absorption in the Integrated Plan (p. 117)

Enrico Carloni, Alessandra Nieli

The essay analyses the experience of corruption prevention plans a decade after their introduction in Italy by law no. 190 of 2012. The essay aims to reflect on the tool's potential in the strategies to fight organised crime and mafia infiltrations. The "systemic" nature of the plan, the organisational approach starting from the "context", and the underlying logic of managing the risks of illegality, make it suitable to play a significant role in this perspective. However, the implementation experience clearly shows limits. However, the largely unexpressed potential of the instrument is now critically confronted with the reform which, by introducing an integrated plan of activities and organisation (in the Italian language: PIAO), seems to reduce the autonomy and innovative scope of anti-corruption policies in public administrations.

The City and Fundamental Rights: The Ambivalences of the Political Nature of Rights (p. 155)

Filippo Pizzolato

The smart city is often celebrated as a concrete resource to re-think and even to revolutionise, in terms of efficiency and environmental sustainability, urban life and, specifically, local public services. While it is true

that the improvement of services can trigger the rights' enhancement, the city risks being reduced to a heteronomous cybernetic system governed by a dashboard. The city, nonetheless, remains the place of a privileged exercise of rights, through which citizens claim participation in the construction of democratic coexistence (the "right to the city"). Between the city-ambience, technological space and potentially heteronomous directed, and city-subject, projection of active citizens, a tension is created, which is a fundamental dialectic for contemporary democracies.

The Italian Consolidated Act on Local Authorities (TUEL): The Case for a Reform, or at Least a Redrafting, of the Local Government Legislation (p. 187)

Gabriele Bottino

More than twenty years after the constitutional reform of 2001, the local government system has not yet been adapted to it. First, the essay analyses the fragmentation of national legislation that has been enacted from 2001 to today to regulate specific topics concerning local government without ever introducing systematic and organic legislation. Subsequently, the essay expresses some proposals for legislative reform aimed at adapting the local government to the constitutional text and achieving a minimum objective of rationalisation and synthesis of existing national legislation.

Beaches: Casus Belli for a New Concept of Public Good Concession (p. 213)

Piergiorgio Novaro

Moving from the special and outdated Italian legal framework on public good concession having beaches as an object, the present article aims to focus on the theoretical implications related to the concept of public good concession. In the view of a forthcoming radical change in the legal framework and the actual debate on those concessions, the present article considers solutions adopted by Spanish and French legal systems given the affinity with the Italian one. In order to highlight differences among those mentioned solutions, the analysis stresses the theoretical

basis behind the distinction between authorisation and concession as developed in each of those legal systems. The goal is to propose a potential evolution of the concept of public good concession related to beaches.

Regional Observatory

Trends in the Legislative Autonomy of the Italian Regions (p. 253)

Gianluca Gardini

This essay aims to analyse the trends in the legislative autonomy of the regions from their establishment to the post-Covid era. The constant pressure of European law, the actions of the national government and the jurisprudence of the Constitutional Court have progressively contributed to characterising the Regions as administrative entities. More than seventy years after the approval of the Republican Constitution and more than fifty after the establishment of the Regions, public law scholars attribute little value to regional legislation, to the point that many scholars of ‘old regionalist faith’ have begun to question the ultimate meaning of regional legislative powers. However, this paper argues that the anti-regionalist rhetoric stoked by the succession of crises in recent decades should be refuted. Legislative powers are essential to the political nature of the regions, legitimise their participation in the national policy-making process, strengthen their degree of legal autonomy and elevate their ‘constitutional tone’.

The 2021 Regional Elections in Calabria: Electoral Mobility at the End of the Perfect Political Succession (p. 269)

Roberto De Luca

Due to President Santelli’s sudden death, the early dissolution of the Calabria Regional Council brought the voters back to the polls in October 2021, only 20 months after the previous elections. From a comparison of data, this last election seems to have been a replica of the previous election, given the reconfirmation of the centre-right majority with Roberto Occhiuto as the new president and with the opposition parties registering percentages that do not differ substantially from the previous

vote. However, a deeper analysis of the result shows considerable differences in the performance of the single political parties and in the results of those candidates who were present in both elections. Electoral mobility emerges from the analysis of the percentage of voters, which, although quantitatively identical in the two elections, reveals many voters who participated in only one election.