

# Bin Pitruzzella Diritto Costituzionale 2013

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The Convergence of the Fundamental Rights Protection in Europe  
Migration Within the EU Context, Seen through a Multidisciplinary and Plurilinguistic View  
Courts, Politics and Constitutional Law  
Fundamental Labour Rights and the Constitution  
Secondary Liability of Internet Service Providers  
Food Diversity Between Rights, Duties and Autonomies  
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The Consequences of the Crisis on European Integration and on the Member States  
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this book deals with human rights in european criminal law after the lisbon treaty doubtless the lisbon treaty has constituted a milestone in the development of european criminal justice not only has the reform following the treaty given binding force to the eu charter of fundamental rights but furthermore it has paved the way for unprecedented forms of supranational legislation in this scenario the enforcement of individual rights in criminal matters has become a core goal of eu legislation alongside these developments new interactions between national and supranational jurisprudences have emerged which have significantly contributed to a human rights oriented approach to european criminal law the book analyses the main developments of this complex phenomenon from an interdisciplinary perspective criminal and procedural law constitutional law and comparative law must thus be combined to achieve a full understanding of these developments and of their impact on national law

the book gives insight into the structures and developments of the fundamental rights protection in europe which is effective at the levels of the national constitutions the european convention of human rights and for the eu member states of the eu fundamental rights charter the contributions of renowned academics from various european countries demonstrate the functional interconnection of these protection systems which result in an increasing convergence basic questions are reflected such as human dignity as foundation of fundamental rights or positive action as a specific form of equality as well as the concept of rights convergence in this latter contribution the forms of direct reception of a different legal order and of the functional transfer of principles and concepts are analyzed particular reference is made to the eu charter the united kingdom human rights act as well as to france and germany it becomes obvious how important interpretation is for the harmonization of national and conventional fundamental rights protection traditional institutional approaches like the dualist transformation concept in germany are functionally set aside in the harmonization process through constitutional interpretation specific studies are dedicated to the field of the eu fundamental rights charter and to the european impacts on the national fundamental rights protection in selected countries such as the new democracies poland romania and kosovo as well as more traditional systems such as spain italy the nordic countries or turkey

explore the intricate interplay between law language and migration in the 21st century with this cutting edge collection it offers a fresh interdisciplinary approach from the perspective of early career scholars and legal practitioners with expertise in law and linguistics this collection aims to provide insights into today s global migration landscape through the lens of corpus linguistics and analysis of relevant legislation and case law it focuses on challenges faced by

migrants at national and supranational levels and examines the transformative potential of inclusive integration designed for legal scholars linguists policymakers and anyone interested in human rights and migration this book challenges conventional arguments and offers actionable insights in an increasingly interconnected world this volume aims to become essential reading for those dedicated to fostering social cohesion and inclusivity by bridging the gap between law linguistics and migration studies it empowers readers to contribute meaningfully to the ongoing migration discourse

this book examines how the judicialization of politics and the politicization of courts affect representative democracy rule of law and separation of powers this volume critically assesses the phenomena of judicialization of politics and politicization of the judiciary it explores the rising impact of courts on key constitutional principles such as democracy and separation of powers which is paralleled by increasing criticism of this influence from both liberal and illiberal perspectives the book also addresses the challenges to rule of law as a principle preconditioned on independent and powerful courts which are triggered by both democratic backsliding and the mushrooming of populist constitutionalism and illiberal constitutional regimes presenting a wide range of case studies the book will be a valuable resource for students and academics in constitutional law and political science seeking to understand the increasingly complex relationships between the judiciary executive and legislature

the book reflects on constitutional balancing from the perspective of fundamental labour rights it draws on neo constitutional theories and builds on the assumption that fundamental labour rights understood as rights aimed at protecting workers during their working life or after retirement are the normative expression of founding values and can be balanced against equally axiological constitutional principles the balancing of constitutional labour rights can be conducted by various institutional actors and by applying different techniques this volume reviews the theoretical debates on judicial balancing and the approaches adopted by the court of justice of the european union and the european court of human rights to proceed with a closer assessment of italian and spanish judicial traditions in particular it addresses the main profiles of the case law of the italian and spanish constitutional courts on labour and social law reforms adopted in the aftermath of the 2008 crisis where balancing takes place between labour rights and economic principles the analysis is focused on four main aspects the fundamental labour rights in the balance the role of the courts the technique applied by the judges and the constitutional interests subject to the balancing it ultimately reveals that the axiological nature of fundamental labour rights is preserved and the economic and financial contingencies confirm their factual character although they are occasionally recognised a prominent role in the ratio decidendi the book will be a valuable

resource for academics and researchers working in the areas of labour law social security law legal theory and constitutional law

this book analyses the doctrinal structure and content of secondary liability rules that hold internet service providers liable for the conduct of others including the safe harbours or immunities of which they may take advantage and the range of remedies that can be secured against such providers many such claims involve intellectual property infringement but the treatment extends beyond that field of law because there are few formal international standards which govern the question of secondary liability comprehension of the international landscape requires treatment of a broad range of national approaches this book thus canvasses numerous jurisdictions across several continents but presents these comparative studies thematically to highlight evolving commonalities and trans border commercial practices that exist despite the lack of hard international law the analysis presented in this book allows exploration not only of contemporary debates about the appropriate policy levers through which to regulate intermediaries but also about the conceptual character of secondary liability rules

the book reflects on the issues concerning on the one hand the difficulty in feeding an ever increasing world population and on the other hand the need to build new productive systems able to protect the planet from overexploitation the concept of food diversity is a synthesis of diversities biodiversity of ecological sources of food supply socio territorial diversity and cultural diversity of food traditions in keeping with this transdisciplinary perspective the book collects a large number of contributions that examine firstly the relationships between agrobiodiversity rural sustainable systems and food diversity and secondly the issues concerning typicality food specialties food identities rural development and territorial communities lastly it explores legal questions concerning the regulations aiming to protect both the food diversity and the right to food in the light of the political economic and social implications related to the problem of feeding the world population while at the same time respecting local communities rights especially in the developing countries the book collects the works of legal scholars agroecologists historians and sociologists from around the globe

the book examines the economic crisis in the european union and its consequences for european integration and the member states discussing the provisions introduced by the treaty of lisbon from the effects of macroeconomic monitoring to the restraints produced by the fiscal compact it offers an analysis of the european union s current situation and the effects of the measures adopted to manage the crisis also making reference to how europe is perceived by its citizens moreover the chapters offer thoughts on the european integration process in particular the effects that the policies adopted to tackle the crisis

have had on the economic and financial sovereignty of the member states this detailed examination of the situation of the eu between the treaty of lisbon and the fiscal compact is characterized by an original multidisciplinary approach that offers an articulate reflection on the criticalities that affect the actions of both european and national institutions

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