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Il Ricorso in Cassazione Penale: intervengono i Maestri - Roma, Aula Avvocati, 03.06.2019

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L'opera, articolata in due volumi, analizza approfonditamente i profili sostanziali e processuali del diritto penale societario. Il primo volume è incentrato sull'esame delle disposizioni penali in materia di società commerciali e contiene un'ampia trattazione dedicata ai reati di abuso di informazioni privilegiate e alla manipolazione di mercato. Specifica attenzione è stata prestata alle nuove norme in tema di corruzione. Il secondo volume affronta, sotto il profilo processuale, dall'azione civile nel giudizio penale 'de societate' alla consulenza tecnica in materia contabile, dall'acquisizione delle prove all'estero al procedimento penale a carico delle società ai sensi del d.lgs. n. 231/2001, studiato in ognuna delle sue fasi. STRUTTURA DELL'OPERA TOMO I I SOGGETTI - I CRITERI PER L'INDIVIDUAZIONE DEL SOGGETTO RESPONSABILE IN AMBITO SOCIETARIO: L'ESTENSIONE DELLE QUALIFICHE SOGGETTIVE LE FALSITÀ - LE FALSE COMUNICAZIONI SOCIALI - LE FALSITÀ NELLE RELAZIONI O NELLE COMUNICAZIONI DEI RESPONSABILI DELLA REVISIONE LEGAL - L'IMPEDITO CONTROLLO LA TUTELA PENALE DEL CAPITALE SOCIALE - INDEBITA RESTITUZIONE DEI CONFERIMENTI - L'ILLEGALE RIPARTIZIONE DEGLI UTILI E DELLE RISERVE - LE ILLECITE OPERAZIONI SULLE AZIONI O QUOTE SOCIALI O DELLA SOCIETÀ CONTROLLANTE - LE OPERAZIONI IN PREGIUDIZIO DEI CREDITORI - L'OMESSA COMUNICAZIONE DEL CONFLITTO D'INTERESSI GLI ALTRI ILLECITI - LA FORMAZIONE FITTIZIA DEL CAPITALE SOCIALE - INDEBITA RIPARTIZIONE DEI BENI SOCIALI DA PARTE DEI LIQUIDATORI - INFEDELTÀ PATRIMONIALE - LA CORRUZIONE TRA PRIVATI - L'ILLECITA INFLUENZA SULL'ASSEMBLEA - OSTACOLO ALL'ESERCIZIO DELLE FUNZIONI DELLE AUTORITÀ PUBBLICHE DI VIGILANZA GLI ILLECITI AMMINISTRATIVI - L'OMESSA ESECUZIONE DI DENUNCE, COMUNICAZIONI O DEPOSITI - L'OMESSA CONVOCAZIONE DELL'ASSEMBLEA IL TRATTAMENTO SANZIONATORIO - LA CIRCOSTANZA ATTENUANTE E IL TRATTAMENTO SANZIONATORIO IN GENERALE - LA CONFISCA LA TUTELA PENALE DEL MERCATO - L'ABUSO DI INFORMAZIONI PRIVILEGIATE - L'AGGIOTAGGIO E LA MANIPOLAZIONE DEL MERCATO LA RESPONSABILITÀ DA REATO DEGLI ENTI - LA RESPONSABILITÀ DA REATO DELLE SOCIETÀ: PRINCIPI GENERALI E CRITERI IMPUTATIVI NEL D.LGS. N. 231/2001 - MODELLI DI ORGANIZZAZIONE ED ESENZIONE DI RESPONSABILITÀ: ASPETTI PRATICI ED OPERATIVI - I REATI PRESUPPOSTO - I GRUPPI DI SOCIETÀ TOMO SECONDO L'ACCERTAMENTO DEI REATI SOCIETARI - LA COMPETENZA A CONOSCERE DEI REATI SOCIETARI - LE CONDIZIONI DI PROCEDIBILITÀ - L'AZIONE CIVILE NEL GIUDIZIO PENALE DE SOCIETATE - LA CONSULENZA TECNICA E LA PERIZIA IN MATERIA CONTABILE - L'ACQUISIZIONE DELLA PROVA ALL'ESTERO E I PROFILI TRANSNAZIONALI IL PROCESSO PENALE ALLE SOCIETÀ - I PRINCIPI GENERALI DEL PROCEDIMENTO - LE INDAGINI E L'UDIENZA PRELIMINARE - LE MISURE CAUTELARI - I PROCEDIMENTI SPECIALI - IL GIUDIZIO E LE PROVE - LA FASE DELLE IMPUGNAZIONI - LA FASE DELL'ESECUZIONE

Cultural expertise in the form of expert opinions formulated by social scientists appointed as experts in the legal process is not different from any other kind of expertise in court. In specialised fields of law, such as native land titles in America and in Australia, the appointment of social scientists as experts in court is a consolidated practice. This Special Issue focuses on the contemporary evolution and variation of cultural expertise as an emergent concept providing a conceptual umbrella for a variety of evolving practices, which all include use of the specialised knowledge of social sciences for the resolution of conflicts. It surveys the application of cultural expertise in the legal process with an unprecedented span of fields ranging from criminology and ethnopsychiatry to the recognition of the rights of autochthone

minorities including linguistic expertise, and modern reformulation of cultural rights. In this Special Issue, the emphasis is on the development and change of culture-related expert witnessing over recent times, culture-related adjudication, and resolution of disputes, criminal litigation, and other kinds of court and out-of-court procedures. This Special Issue offers descriptions of judicial practices involving experts in local laws and customs and surveys of the most frequent fields of expert witnessing that are related with culture; interrogates who the experts are, their links with local communities, and also with the courts and the state power and politics; how cultural expert witnessing has been received by judges; how cultural expertise has developed across the sister disciplines of history and psychiatry; and eventually, it asks whether academic truth and legal truth are commensurable across time and space.

Certain types of crime are increasingly being perpetrated across national borders and require a unified regional or global response to combat them. Transnational criminal law covers both the international treaty obligations which require States to introduce specific substantive measures into their domestic criminal law schemes, and an allied procedural dimension concerned with the articulation of inter-state cooperation in pursuit of the alleged transnational criminal. The Routledge Handbook of Transnational Criminal Law provides a comprehensive overview of the system which is designed to regulate cross border crime. The book looks at the history and development of the system, asking questions as to the principal purpose and effectiveness of transnational criminal law as it currently stands. The book brings together experts in the field, both scholars and practitioners, in order to offer original and forward-looking analyses of the key elements of the transnational criminal law. The book is split into several parts for ease of reference: Fundamental concepts surrounding the international regulation of transnational crime. Procedures for international cooperation against alleged transnational criminals including jurisdiction, police cooperation, asset recovery and extradition. Substantive crimes covered by transnational criminal law analysing the current legal provisions for each crime. The implementation of transnational criminal law and the effectiveness of the system of transnational criminal law. With chapters from over 25 authorities in the field, this handbook will be an invaluable reference work for student and academics and for policy makers with an interest in transnational criminal law.

Society is now facing challenges for which the traditional management toolbox is increasingly inadequate. Well-grounded theoretical frameworks, such as systems thinking and cybernetics, offer general level interpretation schemes and models that are capable of supporting understanding of complex phenomena and are not impacted by the passage of time. This book serves the knowledge society to address the complexity of decision making and problem solving in the 21st century with contributions from systems and cybernetics. A multi-disciplinary approach has been adopted to support diversity and to develop inter- and trans-disciplinary knowledge within the shared thematic of problem solving and decision making in the 21st century. Its conceptual thread is cyber/systemic thinking, and its realisation is supported by a wide network of scientists on the basis of a highly participative agenda. The book provides a platform of knowledge sharing and conceptual frameworks developed with multi-disciplinary perspectives, which are useful to better understand the fast changing scenario and the complexity of problem solving in the present time.

"Having been born a freeman, and for more than thirty years enjoyed the blessings of liberty in a free State—and having at the end of that time been kidnapped and sold into Slavery, where I remained, until happily rescued in the month of January, 1853, after a bondage of twelve years—it has been suggested that an account of my life and fortunes would not be uninteresting to the public." -an excerpt

- Provides dozens of court documents, legislative hearing transcripts, muckraking articles, and accounts of crooked behavior in the upper echelons of power
- Contains numerous photographs that illustrate the subject material
- Includes a bibliography in each section that directs readers to supplementary sources

What is open access? -- Motivation -- Varieties -- Policies -- Scope -- Copyright -- Economics -- Casualties -- Future -- Self-help.

Nearly six decades have passed since the concept of white-collar crime was introduced and systematic scholarly investigation of it began. Although it has proven to be one of the most challenging and controversial topics in sociology, the concept has taken firm root in lay and scholarly lexicons where it is widely understood and used to denote a type of crime that differs fundamentally from street crime. One way it is different is the backgrounds and characteristics of its perpetrators; the poor and disreputable fodder routinely encountered in police stations and in studies of street crime are seldom in evidence here. Most if not all white-collar offenders by contrast are distinguished by lives by privilege, much of it with origins in class inequality. This reader begins together under a unifying theoretical approach the current state of knowledge about and debate over white-collar crime. Editors' introductions preface each of the six chapters in the book, and each of the thirty-one carefully chosen selections --- both classic and contemporary -- has been significantly edited for readability and suitability for the college student. The readings address conceptual conflicts as well as empirical studies of the structure of opportunities, the characteristics of white-collar offenders and their decision making, and the various approaches to controlling white-collar offending. Additionally, the book includes twenty-one specially designed panels that call-out particular issues from the readings by offering case examples taken from local and regional newspapers. Together, the readings and the panels offer the student both analysis and examples of white-collar crime.

This book offers the first systematic investigation of the phenomenon of soft law within the framework of the EC (the first pillar of the EU), and its use by the European Commission and Council of Ministers. It focuses upon how soft law fits into the Community legal system, and how it is used, and, in particular, how it relates to Community legislation. Differentiation of the Community instruments, including the instruments of soft law, is often thought to enhance the effectiveness, legitimacy and transparency of the Community. This book asks whether soft law indeed provides a satisfactory alternative to legislation from this perspective and, if so, in what cases and under what conditions. Furthermore, the author asks to what extent the use of soft law implies good governance, and throws fresh light on this very heterogeneous phenomenon, by looking at frequently used instruments in many different areas of Community law, such as competition law, state aid, environment, social policy etc., in the process identifying their different characteristics, aims, functions and legal effects. What emerges is that the conditions under which soft law is used may be problematic in relation to increasing the legitimacy, effectiveness and transparency of Community action. This is a work which will interest legal practitioners confronted with the use of soft law and the question of its possible legal effect in an increasing number of sectors and academics interested in the vexed question of how the increased use of soft law can be justified in a Community legal order built upon the rule of law. It is also critical of developments taking place within the framework of the European Convention and the proposed European Constitution, and goes beyond the immediate problems of soft law to touch upon issues such as competence, legal protection, division of powers between the EC and the Member States, institutional balance, lawmaking by the Community Courts, the scope of Community legal principles and the influence of soft law on the progressive development of both Community and national law.

"Generally this book has been planned as a sort of "guide" to models and methods for Letter-craftsmen and Students - more particularly for those who cannot see the actual processes of Writing, Illuminating, &c. carried out..."--P. [xix].