

Justice

Current definitions

Adoption

The matter is regulated by Law no. 184 dated 1983, modified both regarding the adoption of foreign minors by Law no. 476 dated 1998 and for the adoption of Italian minors by Law no. 149 dated 2001. The Juvenile Court declares a child available for adoption if the minor is found to have been abandoned in a state of moral and material abandon from relatives responsible for them, unless in the case of temporary force majeure.

Appeal (administrative)

A request presented to an administrative judicial authority by an appellant with a direct and current interest in obtaining the cancellation, revocation or reform of an administrative deed. In criminal matters the appeal is the request presented to Appeal Courts to review a ruling of first instance.

Appeal Court

Located in each district capital; the Court is a collegial body and is divided into civil and criminal sections. The Court is competent to decide appeals against sentences issued by criminal or civil Courts, where applicable. The Court is the appeals body for sentences in employment law issued by the court of first instance, following the reform of the single judge. It is also has direct competence in certain subjects, such as the recognition of foreign sentences, rehabilitations, etc. Each Appeal Court has a special juvenile section which passes judgement on appeals of Juvenile Court decisions in both civil and criminal cases. Another special section functions as a Court of Assizes of Appeal and judges appeals against the sentences of the Court of Assizes.

Archiving

Court order, placed at the end of preliminary investigations, when there is no prosecution. The main reasons that lead to archiving are: the extinction of the offense, the admissibility, the groundlessness of the illicit denounced, the crime's authors being unknown, the suspect's strangeness, the event reported being not an offence.

Arrest

The detention measure reserved for those who commit a misdemeanour.

Bankruptcy

The judicial procedure by which the assets of an insolvent entrepreneur are confiscated and destined to be distributed justly among creditors, as well as is concretely possible.

Bankruptcy (closed)

Bankruptcy proceedings are declared closed by the Court with a reasoned decree, on request of the receiver, creditor or by regular procedure. The closure decree can be appealed within 15 days, before the Appeal Court, by any recognised creditor.

Centralised judicial register

The office that collects and archives the required provisions and notes on both criminal and civil proceedings.

Charge

The offence or series of offences of which the person under investigation has been accused at the beginning of criminal proceedings.

Civil proceedings jurisdiction (to uphold/deny the matter)

The proceedings held to ascertain the juridical issue in dispute. The proceedings are divided into three phases: the introduction to the case (presenting the claim in the writ of summons), the preparatory inquiry and the sentence.

Convention

An agreement or contract contained in a notarial deed.

Council of State

This judicial body has a single office in Rome. It is the supreme advisory body regarding legislative proposals and all kinds of business drawn to its consideration by Ministers of the Government. Furthermore, the Council of State is responsible for deciding on appeals for incompetence, excess of power or violation of the law, against acts or provisions of administrative authorities or bodies, regarding: the interest of individuals or legal authorities, when the appeal itself does not come under the jurisdiction of the judicial authorities or the jurisdiction of tribunals of special bodies or colleges.

Court

A body usually structured into civil and criminal sections. Before the introduction of the single judge reform, in civil law the Court was competent in first instance for cases relating to taxation (except for those that came under the jurisdiction of Tax Tribunals), the state and legal capacity of persons (except for those that came under the jurisdiction of the Juvenile Court), nobility rights, fraud, some cases of electoral and administrative litigation, personal separations between spouses and the dissolution of matrimonial ties, and cases of unknown value. In second instance the Court was the appeal body for sentences issued in first instance by the Justice of the Peace or District Judge. In criminal law the Court is competent in first instance for the cases that do not come under the jurisdiction of the Juvenile Court or the Court of Assizes. The Court operates mainly under a single judge, except for certain offences specified by law where a collegial body is required. A special section of the Courts is formed by the Court of Assizes, a collegial body with jurisdiction for the most serious felonies (massacre, attack, murder, espionage, etc.). With Legislative Decree no. 1 dated 19th February 1998 (regulations on the creation of the first instance single judge) suppressing the District Court, the Court became the only judicial office in first instance. It is the second instance body against decisions by the Office of the Justice of the Peace.

Court of Auditors

The Court of Auditors—decides on legal proceedings involving the treasury accounts, receivers, cashiers and agents commissioned to collect, pay, hold or manage public funds or to hold values and materials owned by the State and those who are involved even without legal authorisation in the duties of these agents. The Court also has jurisdiction over the accounts of treasurers and agents of other public authorities, within the limits established by special laws, and regarding the pensions of State and military civil servants, including military pensions. It also performs auditing functions as specified by general accounting regulations for State spending.

Court office

The organisation with specific competency by grade, matter and territory within the legal system.

Criminal proceedings

The whole process, including phases and actions, designed to ascertain and affirm criminal responsibility for a certain behaviour defined as an offence by the law.

Criminal prosecution

The activity of the Public Prosecutor when a criminal report does not meet the requirements for archiving. This action takes different forms depending on the ritual applied or the type of the offense. The ways to the prosecution about the ritual applied are divided into ordinary (regular procedure of indictment, decree of summons to trial) and special (special procedures: request to apply on demand penalty, the so-called "*patteggiamento*", immediate judgment, decree of condemnation, direct judgment)

Defendants currently facing criminal proceedings

Those against whom the public prosecutor has initiated criminal proceedings formulating formal charges and a request for indictment.

District Court (*Pretura*)

A judicial office with both civil and criminal competency. In civil actions, the District Judge was competent for the following cases: possessory actions, actions against the erection of structures forbidden by law and fear of damage; leases and loans for use of buildings and business leases; exercise of contracts, compulsory purchase orders for moveable property or credits, court orders; employment disputes, or those regarding obligatory assistance or insurance (in addition to the relative opposition proceedings). The District Judge was also responsible for overseeing the judicial protection of minors and incapacitated adults (judge supervising guardianship). In criminal matter the District Judge was competent for offences carrying a penalty of not more than four years and certain other felonies (such as unintentional homicide) carrying a higher penalty or a fine, of whatever value, on its own or combined with the abovementioned sentence of imprisonment. Legislative Decree no. 51 dated 19th February 1998 (regulations on the creation of the first instance single judge) suppressed the District Court as a judicial office from 02nd June 1999. The District Judge's Office remained active in Courts and local Court sections until the proceedings already underway had been closed.

Felony (Crime)

A crime carrying the penalty of imprisonment or fines and a series of accessory penalties (for example, being banned from public offices).

Guardianship

The entire range of powers and duties attributed to a guardian appointed by the judge to supervise minors who are not subject to parental authority or legally incapacitated. The supervising judge appoints a guardian to the minor when both parents are dead or are not capable of exercising their authority (article 323 of the Italian Civil Code) for other reasons, such as negligence of duty towards their children or mere impediment (illness, distance, etc.).

Imprisonment

The custodial measure prescribed for offenders.

Juvenile Classification Homes (CPA)

The structures hosting minors that have been arrested or detained awaiting a preliminary hearing.

Judicial authority

The authority responsible for administering criminal, civil and administrative justice.

Judicial Reformatory

Structures hosting minors in the cases specified by the Criminal Code. Minors recognised as not legally responsible for their actions, which resulted in offences punishable by imprisonment of not less than three years, or minors who committed an offence during the execution of a safety measure, were obligatorily assigned to these structures. Currently, the order for rehabilitation in correctional facilities is carried out by placement in a community.

Juvenile Court

This judicial body is located in every district of Appeal Court. In civil law the Court is competent particularly regarding adoption.

In criminal law it is competent for all offences committed by minors under the age of 18.

Juvenile detention centres

Structures that ensure the execution of cautionary detention measures or custodial sentences issued by the Judicial Authority for offenders under age of eighteen years.

Liquidator

The body whose main responsibility in the bankruptcy procedure is to administrate the assets of the bankrupt party under the direction of the delegated judge.

Misdemeanour

An offence carrying the measure of arrest and/or a fine and a series of accessory penalties (for example, suspension of the license to exercise a profession or trade).

New prisoners

All those, legally defined as condemned, imprisoned or accused, who pass from freedom to any form of imprisonment.

Notarial deed

The formal expression of an individual or a group, signed before a notary. The deed may be public or authenticated and may contain one or more agreements.

Notarial register

Part of the administration of the Ministry of Justice, responsible for archiving the deeds of notaries who no longer practice, controlling the profession of notary, regularising notary deeds filed, publishing testaments, managing the general registry of testaments and issuing copies of the deeds kept on record.

Offences

A felony or a misdemeanour as defined by the Criminal Code or special criminal laws.

Office of the Justice of the Peace

This judicial office began its activity on 01st May 1995 when Law no. 374/1991 came into force. It is currently competent for issues relating to: moveable property of a value of less than 5,000 EUR; compensation for damage caused by vehicle or shipping traffic, for a value of less than 20,000 EUR; the measure and method of the use of building association services; the terms and observance of distances for the planting of trees and hedges; the relations between owners or holders of property equipped for civil residence regarding the emission of heat or smoke, exhalations, noise and similar propagations over the normal level of tolerance. Legislative Decree no. 507 dated 30th December 1999 restored appeals against orders-injunctions to the jurisdiction of the Justice of the Peace up to 20,000 EUR. Legislative Decree no. 274 dated 28th August 2000, which came into force from January 2002, established that the Justice of Peace may also decide in criminal cases involving some matters regarding simple and low value disputes.

Offices of Youth Social services (USSM)

Offices providing assistance to minors found guilty of offences in all stages of criminal proceedings, and which compile the information to ascertain the personality of the minor, providing concrete hypotheses and assisting the Juvenile Judicial Authority's decision-making process.

(Official receiver)

See Liquidator

Preventive detention institutions

Penitentiaries where custodial sentences or cautionary detention measures are spent.

Protest

The formal act refusing the acceptance of a bill of exchange by the drawee, failure to pay a bill of exchange or banker's draft.

Public Prosecutor's Office

The judicial office held at the Appeal Courts and Courts is represented by the Attorney General (*Procuratore generale della Repubblica*) and the Public Prosecutors (*Procuratori della Repubblica*). The Public Prosecutor is responsible for directing and supervising the judicial police in each Court. On receiving the report of an offence, the Prosecutor either initiates criminal proceedings if the report is founded or requests the Preliminary Hearings Judge to archive the case (unless the Judge himself decides otherwise). The Attorney General directs and supervises the judicial police in the district of the Appeal Court and normally performs in appeals the activities carried out by the Public Prosecutor in first instance. (Compare: Italian Code of Criminal Procedure).

Regional Administrative Court (TAR)

Based in regional capitals, in first instance TARs generally decide on appeals for lack of jurisdiction, excess of power or violation of law against deeds or provisions issued by peripheral and central State bodies or public authorities, either located within the Court's district or on an ultra-regional level. The matters of jurisdiction are set out in detail in the law establishing the TAR.

Released (at end of sentence)

Those who are freed from prison for the various reasons specified by law.

Residential community

A structure which hosts juvenile delinquents subject to cautionary measures placing them in the community; this kind of structure is used to apply the security measure also known as Judicial Reformatory.

Residential rehabilitation centres

Residential rehabilitation centres were one of the services overseen by the Juvenile rehabilitation centre, a decentralized body belonging to the Ministry of Justice, set up at each Appeal Court. These structures were designed to rehabilitate minors found to be irregular in conduct or character, by order of Court. Normally rehabilitation centres provided young people with an employment opportunity at the end of their period of rehabilitation.

Sentenced

A person judged and condemned by final and confirmed sentence.

Sentenced prisoners

People detained in prison following irrevocable sentences for arrest, reclusion or life imprisonment.

Sicilian Administrative Justice Council

The judicial body is based in Palermo and exercises the advisory and jurisdictional powers of the regional sections of the Council of State as specified in the Sicilian regional statute. The Council is a juridical-administrative advisory body of the regional government.

Supreme Court of Cassation

A collegial judicial body based in Rome, with jurisdiction over the entire Italian State and in charge of both civil and criminal cases. In general, it decides on requests of reforms of sentences pronounced in appeal or not appealable sentences issued in first instance. The Supreme Court, as a supreme body of justice, ensures the exact observance and uniform interpretation of the law, the unity of objective law, the respect of limitations in the various jurisdictions and disciplines conflicts of competence and jurisdiction. At the Supreme Court of Cassation a general public prosecutor's office is established (*procura generale*).

Suspects

Those investigated on offences by the prosecutor's office in order to decide to archive their position or to initiate criminal proceedings.