

Manuale Diritto Pubblico Rossano

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Fernsehordnung in Italien
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Jahrbuch des öffentlichen Rechts der Gegenwart
Jobst Martin Selle Doris Veltmann Gerhard Luther Raimondo Cagiano De Azevedo Raffaele Titomanlio Donatella Morana Detlev Christian Dicke Riccardo Guastini FABIO SAITTA Francesca Angelini Valentina Corneli S. Aleo Eva Rook Basile Francesco Cherubini Nachum Dershowitz Virgilio Feroci Ana

Prata Francesca Bernini AA. VV. Jacques Ziller Maurizio Pedrazza Gorlero Bruno Pfeifer Peter Haberle Adriana Ciancio Alberto Oehling de los Reyes Paolo Benvenuti Carla Rodotà Irene Pellizzone

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Rodotà Irene Pellizzone

die italienische regierung verfügt anders als die deutsche über umfassende rechtsetzungsbefugnisse verordnungen der regierung spielen deshalb in der rechtspraxis eine herausragende rolle zugleich stößt die funktion der regierung als rechtsetzungsorgan auf wachsende kritik vor diesem hintergrund untersucht der autor entstehung und umfang funktion und kontrolle dieser befugnisse seit der staatlichen einigung italiens im neunzehnten jahrhundert nimmt die regierung weitreichende rechtsetzungsbefugnisse in anspruch teilweise ermächtigt das parlament die regierung gesetzesverordnungen auf einem bestimmten gebiet zu erlassen teilweise erläßt die regierung in ausnahmesituationen eigenständig vorläufig wirksame notverordnungen gesetzesverordnungen erfüllen eine wichtige aufgabe etwa bei umfangreichen regelungsvorhaben oder der fristgerechten umsetzung europäischer rechtsvorschriften ursprünglich allein für ausnahmesituationen vorgesehen haben notverordnungen einen erheblichen funktionswandel erfahren dank eines beschleunigten gesetzgebungsverfahrens beschließt die regierung notverordnungen zur zügigen umsetzung des politischen programms diese entwicklung stößt auf heftige kritik der autor untersucht vorhandene kontrollmechanismen und kommentiert die jüngsten ansätze in der verfassungsrechtsprechung der ausnahmecharakter der notverordnungsgebung kann danach nur durch eine grundlegende reform des gesetzgebungsverfahrens wiederhergestellt werden inhaltsverzeichnisinhaltsübersicht 1 teil einleitung legislativkompetenzen der exekutive als verfassungsrechtlicher ausnahmefall Überblick über die rechtsquellenhierarchie und die einordnung der rechtsnormen aus dem zuständigkeitsbereich der regierung legislativkompetenzen der exekutive nach heutigem und früherem deutschen recht Übereinstimmungen in der verfassungsrechtlichen konzeption der verordnungen mit gesetzeskraft entstehungsprozeß und ausprägung der regierungsbefugnisse zur schaffung gesetzesgleicher rechtsakte in der italienischen verfassungsgeschichte 2 teil decreti legislativi verfassungsrechtliche vorgaben verfahren und form der verordnungsgebung der anwendungsbereich der delega legislativa sonderfälle der Übertragung von rechtsetzungsbefugnissen auf die regierung 3 teil notverordnungen decreti legge einleitung die systematik der rechtsetzung durch notverordnungen die rechtsnatur der decreti legge voraussetzungen und schranken des

notverordnungsrechts verfahren und form der verordnungsgebung die umwandlung der notverordnung in gesetz die fehlende umwandlung der notverordnung notverordnungsgebung zwischen krise und reform 4 teil die verordnungen ohne gesetzeskraft regolamenti einleitung entstehung und grundlage der befugnis zum erlaß von verordnungen ohne gesetzeskraft die verordnungen ohne gesetzeskraft nach art 17 des gesetzes nr 400 1988 ausblick auf geplante verfassungsregelungen der verordnungen ohne gesetzeskraft 5 teil zusammenfassende bewertung literaturverzeichnis sachwortverzeichnis rezension die darlegungen des autors zeichnen sich dadurch aus daß er die problematik sehr gut im kontext des gesamten italienischen rechtssystems sieht und auf der grundlage der auseinandersetzung mit den lehrmeinungen jeweils zu einer eigenen in aller regel überzeugenden stellungnahme kommt etwas bedauerlich ist vielleicht daß die rechtsvergleichenden ansätze aus der einleitung später nicht mehr aufgenommen werden und der blick auch über deutschland und italien hinaus auf andere europäische staaten insbesondere frankreich unterbleibt der zu einigen punkten noch interessante aspekte hätte beitragen können insgesamt aber ist dem autor ohne einschränkung zu bescheinigen daß er dieses aktuelle thema das ein wissenschaftliche bearbeitung geradezu herausgefordert hat umfassend und überzeugend dargestellt und damit einen ganz wesentlichen beitrag zum verständnis des italienischen rechtssystems geleistet hat karin oellers frahm in zeitschrift für ausländisches öffentliches recht 1 2001

dopo 10 anni dall entrata in vigore del codice dei contratti pubblici d lgs 12 aprile 2006 n 163 rinnovate riflessioni si rendono necessarie arricchite da dottrina e giurisprudenza di questi anni di applicazione numerosi istituti es avvalimento dialogo competitivo in house providing accordi quadro si prestano ad approfondite considerazioni ed altri es la sponsorizzazione e il contratto di disponibilità sono stati introdotti di recente arricchendo ulteriormente il variegato articolato normativo fornendo ulteriori spunti di riflessione va poi tenuto conto dell avvento nel 2010 del recepimento della direttiva ricorsi d lgs 20 marzo 2010 n 53 che ha imposto la radicale riscrittura della disciplina codicistica concernente il contenzioso tra amministratori ed operatori economici del codice del processo amministrativo d lgs 2 luglio 2010 n 104 e s m i all interno del quale è ora collocata la disciplina dell anzidetto contenzioso assoggettato ad un rito che può ben definirsi superspeciale e del regolamento di attuazione dello stesso codice dei contratti pubblici d p r 5 ottobre 2010 n 207

con il quale si è completata la radicale riforma dell'attività contrattuale della pubblica amministrazione inaugurata quattro anni prima tutte queste considerazioni mostrano l'utilità di una nuova raccolta di commenti ordinati sistematicamente i quali oltre a rappresentare un bilancio decennale dell'esperienza vissuta dal 2006 ad oggi potranno costituire un solido punto di partenza per la lettura del nuovo codice che verrà fuori dal recepimento delle più recenti direttive europee un commento sistematico dell'articolato normativo oggi vigente alla luce della casistica emersa nella prassi applicativa sarà di sicuro ausilio per la corretta applicazione delle nuove regole tuttora in cantiere le nuove regole sono effettivamente in cantiere perché con la legge 28 gennaio 2016 n. 11 si è soltanto delegato il governo a recepire le direttive europee del 2014 per cui il codice non è stato ancora riscritto questo ebook risulta quindi utile sia nell'immediato sia per interpretare il nuovo codice quando verrà approvato

i tratti essenziali del concetto di cittadinanza sono stati definiti a partire dalla rivoluzione francese il momento di passaggio dall'*ancien régime* a una nuova fase della storia dell'occidente ora è in corso un altro momento di transizione le immigrazioni di massa hanno modificato il tessuto sociale degli stati e la crisi economica ha inciso sulla vita di tutti il terrorismo internazionale ha raggiunto l'obiettivo di rendere le persone insicure e non più solidali tra di loro la società sembra ormai incapace di vivere insieme secondo quei valori che rappresentano il fondamento della cultura democratica come governare una realtà tanto complessa e provare a invertire la rotta

this book examines the rules governing the right to asylum in the european union drawing on the 1951 united nations convention relating to the status of refugees and the 1967 protocol francesco cherubini asks how asylum obligations under international refugee law have been incorporated into the european union the book draws from international law eu law and the case law of the european court of human rights and focuses on the prohibition of *refoulement* the main obligation the eu law must confront cherubini explores the dual nature of this principle examining both the obligation to provide a fair procedure that determines the conditions of risk in the country of origin or destination and the obligation to respond to a possible expulsion through this study the book sheds light on eu competence in asylum when regarding the different positions of member states the book will be of great use and interest to researchers and students of asylum and

immigration law eu law and public international law

this festschrift volume is published in honor of yaacov choueka on the occasion of this 75th birthday the present three volumes liber amicorum several years in gestation honours this outstanding israeli computer scientist and is dedicated to him and to his scientific endeavours yaacov s research has had a major impact not only within the walls of academia but also in the daily life of lay users of such technology that originated from his research an especially amazing aspect of the temporal span of his scholarly work is that half a century after his influential research from the early 1960s a project in which he is currently involved is proving to be a sensation as will become apparent from what follows yaacov choueka began his research career in the theory of computer science dealing with basic questions regarding the relation between mathematical logic and automata theory from formal languages yaacov moved to natural languages he was a founder of natural language processing in israel developing numerous tools for hebrew he is best known for his primary role together with aviezri fraenkel in the development of the responsa project one of the earliest fulltext retrieval systems in the world more recently he has headed the friedberg genizah project which is bringing the treasures of the cairo genizah into the digital age this second part of the three volume set covers a range of topics related to the application of information technology in humanities law and narratives the papers are grouped in topical sections on humanities computing narratives and their formal representation history of ideas the numerate disciplines law computer law and legal computing

la expansión de la gran industria produjo la concentración de las masas de trabajadores proletariado y las tendencias asociadoras encontraron nuevo y pertinaz impulso negaciones teóricas supresiones legislativas y persecuciones gubernamentales no bastaron para negar la imponente y a menudo trágica realidad en todas las partes de europa se formaron asociaciones de trabajadores libres de hecho con neta conciencia de su autonomía y con manifiesta inclinación al sindicato o sea al control de las otras fuerzas opuestas o concurrentes esto es con los caracteres que distinguen la fase propiamente sindical de la asociación profesional el espíritu de asociación de fin profesional se extendió después fácilmente a otras categorías de población pero la importancia del movimiento y de la organización sindical que

caracteriza se puede decir la vida económica y social moderna depende sobre todo de la extensión y de la intensidad de la actividad sindical de los obreros y de los patronos los sindicatos simples o compuestos de primer grado o de grado superior son entes autárquicos que tienden aunque debajo de la vigilancia del estado a la consecución de su objeto que es en primer lugar el suyo propio aunque indirectamente responden a definitivos intereses del estado las corporaciones son por su parte órganos de la administración directa del estado virgilio feroci

este texto teve a modesta pretensão de iniciar e desencadear estudos sobre algumas questões do direito privado no quadro constitucional na relação necessária entre a lei ordinária e a constitucional parecia tratar se de uma colocação de problemas não inútil ou infecunda a tomada da questão da autonomia privada cerne do direito privado comum afigurou se um ponto de partida importante já pelo percurso na história do direito que impunha já por se tratar de uma pedra de toque na orientação político económica social do ordenamento jurídico em portugal o livrinho foi recebido com indiferença por distração ou sobrançeria não era pretensão da autora tomar conta desta abordagem das relações entre o direito constitucional e os ramos do direito privado o desinteresse perante o texto fez com que abandonasse esta orientação de forma directa passando ao estudo de outras questões a que ela não é alheia mas sem que a tomasse como ponto de partida no brasil assim não sucedeu muitos e valiosos juristas encontraram interesse no texto fazendo não forçosa nem causalmente a partir dele os estudos que em portugal quase ninguém realizou aos juristas brasileiros que reconhecendo por certo o carácter embrionário deste trabalho nele atentaram e atentam um sentido agradecimento

adoptating a multidisciplinary approach this book examines the interaction between esg strategies and value creation it highlights how sustainability is a wide ranging concept capable of engaging the social sciences in various ways firstly the study analyses how esg initiatives can enhance value creation using a framework inspired by strategic cost management then it takes an ethical perspective by investigating the ethics washing phenomenon associated with the ir responsible use of artificial intelligence furthermore the focus is on the integration of esg factors into risk management and performance measurement systems through the lens of management accounting and on the interplay between corporate social responsibility and tax avoidance moreover the book proposes a constitutionally oriented reading of corporate

sustainability from a legal standpoint it also includes the perspective of financial companies exploring the role of administrative controls in fostering banks commitment to sustainability the study focuses also on an organizational perspective by exploring how human resource management can support esg strategies finally the research underlines the corporate model società benefit to examine its effect on default risk

un doppio libro che da una parte accoglie gli atti del convegno di acquasparta del 1986 organizzato dall'università di perugia dall'altra come a corollario dei primi ospita una serie di contributi di valenti studiosi tutti incentrati su aree archeologiche di recente esplorate che toccano territori estesi tra Italia centrale e meridionale per un periodo compreso tra VIII e III secolo a.c. in un'ottica che spazia dall'esame delle strutture abitative all'analisi degli ordinamenti socio-politici alla riflessione su reperti linguistici

die probleme des medienrechts gewinnen zunehmend verfassungsrechtliche und politische relevanz die situation ist in italien auf diesem feld von besonderer brisanz nicht zuletzt seitdem der wichtigste private fernsehanbieter der mailänder medienunternehmer silvio berlusconi 1994 für die wahlen zum abgeordnetenhaus kandidierte und auf antrieb ministerpräsident wurde der autor hat es sich zur aufgabe gemacht die bisherige entwicklung der fernsehordnung italiens nachzuzeichnen und die derzeit gültigen regelungen darzustellen und kritisch zu beleuchten besonderes augenmerk gilt dabei den vom verfassungsgerichtshof für eine reform der fernsehordnung gemachten vorgaben neben den dringendsten problemen im bereich des öffentlichen fernsehens aufgabe des öffentlichen fernsehens im dualen system gesellschaftsstruktur der rai öffentliche rundfunkfinanzierung privatisierung befaßt sich bruno pfeifer auch mit dem privaten rundfunksektor und der hier vordringlichsten aufgabe der sicherung einer pluralistischen fernsehlandschaft ein eigener abschnitt ist der regelung der medienaufsicht gewidmet abschließend wird das rundfunkfinanzierungsrecht italiens auf seine vereinbarkeit mit dem beihilferecht der eg geprüft inhaltsverzeichnisinhaltsübersicht einleitung 1 teil die medienrechtliche grundlage in italien zur lage des fernsehens in italien seit den 50er jahren unter besonderer berücksichtigung der rechtsprechung des verfassungsgerichtshofes die wesentlichen inhalte des allgemeinen rundfunkgesetzes gesetz nr 223 1990 die probleme bei der umsetzung des allgemeinen rundfunkgesetzes die

verfassungswidrigkeit der zentralen antitrust regelung die fernsehreferenden die reform maccanico und ihre wesentlichen inhalte 2 teil wesentliche reformaspekte im öffentlichen fernsehsektor die rolleder rai innerhalb des sistema misto die reform der verwaltungs und kontrollorgane die finanzierung des öffentlich rechtlichen fernsehens die privatisierung der rai 3 teil wesentliche reformaspekte im privaten fernsehsektor die pluralismussichernden bestimmungen des allgemeinen rundfunkgesetzes und der reform maccanico die regelung des kabelfernsehens das satellitenfernsehen die sonderstellung der pay tv sender 4 teil die medienaufsicht die autorità per le garanzie nelle comunicazioni das ernennungsverfahren und die sicherung der unabhängigkeit die aufgaben der autorità die beziehungen zwischen der medienaufsicht und anderen organen 5 teil die europarechtlichen aspekte der reform die öffentliche rundfunkfinanzierung in italien und das beihilferecht der eg allgemeine Überprüfungen der öffentlichen rundfunkfinanzierung am maßstab der art 92 ff egv zusammenfassung der ergebnisse der prüfung 6 teil reformperspektiven zusammenfassung auszugsweise Übersetzung der wichtigen bestimmungen literaturverzeichnis sachwortverzeichnis

centralita dei gruppi parlamentari nella forma di governo e di stato problema della eccessiva mobilita parlamentare ampia bibliografia

la dignidad de la persona es una noción que se ha ido afianzando a lo largo del devenir histórico¹ la recepción en la ce de 1978 de la dignidad de la persona es un resultado muy perfeccionado de la forma tradicional de comprensión de dicha noción a lo largo de la historia pues aun cuando su acogida por el constituyente encierra ya un logro normativo excepcional sobre todo en orden a su difícil reversibilidad² éste se puede observar como el producto de un largo proceso de consolidación determinado por la intermitente permeabilidad del legislador ante un constante esfuerzo intelectual filosófico que se inicia muchísimo tiempo atrás se percibe así históricamente y en primer lugar como un mero reconocimiento de cierta dignidad individual limitada a unos pocos gradualmente se expande a más para finalmente generalizarse a todos como una noción considerablemente más amplia y vinculada al disfrute de los derechos fundamentales³ tal ampliación se observa pues en dos direcciones en cuanto a contenido de su significado y en cuanto

a titularidad como una progresión que ha ido de menos a más desde una dignidad individual condicional a una dignidad de la persona comprendida en general

describes the 5 greek codices by leonzio pilato 14th cent his literary and humanistic relationship with f petrarca 1304 1374 and giovanni boccaccio 1313 1375 and italian pre humanistic sources

the jahrbuch supplements the monographs issued in the series das oeffentliche recht der gegenwart and contains in addition to articles reports on the latest legislation affecting the public law of the various states

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Unraveling Omniscience: A Deep Dive into All-Knowing Perspectives

We crave understanding. We yearn to know the “why” behind events, the motivations of others, and the intricate tapestry of cause and effect that shapes our world. This inherent human desire for comprehension often leads us to explore narratives and perspectives that offer a panoramic view – a view that transcends the limitations of individual experience. This is where the concept of omniscience comes into play. But what exactly is omniscience? Is it a purely philosophical concept, a literary device, or something more? This article will delve into the definition of omniscience, exploring its nuances and applications across various fields.

I. Defining Omniscience: Beyond Simple Knowledge

Omniscience, at its core, refers to unlimited knowledge. It signifies possessing complete and perfect awareness of everything that has happened, is happening, and will happen, encompassing all facts, events, thoughts, and feelings across all time and space. This is a far cry from simply being well-informed or highly intelligent. Omniscience transcends the limitations of human perception and understanding, implying an access to information that is beyond our current comprehension. It's crucial to distinguish between different types of knowledge encompassed by omniscience. This includes: Factual Knowledge: Awareness of all past, present, and future events. This goes beyond mere historical records or scientific predictions; it's a complete, unfiltered understanding of reality. Propositional Knowledge: Understanding the truth or falsehood of every conceivable statement. This involves comprehending the logical relationships between all propositions, a capacity that defies the limitations of human logic. Subjective Knowledge: Awareness of all thoughts, feelings, and experiences of every sentient being across time and space. This encompasses the internal world of

individuals, providing a complete grasp of their motivations, desires, and emotions.

II. Omniscience in Literature and Narrative: The All-Seeing Narrator

Omniscience finds a powerful application in literature, particularly in narrative structure. An omniscient narrator is one who can access and convey the thoughts, feelings, and experiences of all characters within a story, as well as provide contextual information and foreshadowing that characters themselves could not know. This allows authors to create rich, multi-layered narratives that explore complex themes and character relationships. Consider Jane Austen's *Pride and Prejudice*. Austen, as the omniscient narrator, offers insight into the inner thoughts and feelings of Elizabeth Bennet and Mr. Darcy, revealing their prejudices and gradual shift in perspectives. This intimate access to their inner lives is crucial to understanding the complexities of their relationship and the novel's central themes. Similarly, in George R.R. Martin's *A Song of Ice and Fire*, the narrative frequently shifts between characters, revealing their individual perspectives and ultimately providing a broader understanding of the events unfolding across Westeros. This "god-like" perspective, characteristic of the omniscient narrator, allows for a sophisticated exploration of plot and character.

III. Omniscience in Philosophy and Theology: The Divine Attribute

In philosophical and theological discussions, omniscience is often attributed to a supreme being, such as God. The concept of a God possessing omniscience is central to many religious beliefs. This divine omniscience implies not only complete knowledge of the universe but also an understanding of all possible worlds and the consequences of every

action. This attribute is often linked to God's omnipotence (unlimited power) and omnibenevolence (perfect goodness). However, the concept of a truly omniscient God raises numerous philosophical challenges, such as the problem of free will. If God knows everything that will happen, including our future choices, does this mean our choices are predetermined, thereby negating free will? This paradox has been debated extensively by theologians and philosophers for centuries, highlighting the complexities inherent in the concept of omniscience.

IV. Omniscience and Artificial Intelligence: A Technological Perspective

The rapid advancements in artificial intelligence raise intriguing questions about the possibility of creating omniscient systems. While current AI systems are far from possessing true omniscience, they are increasingly capable of processing vast amounts of data and making predictions based on complex algorithms. However, even the most sophisticated AI systems remain constrained by their access to information and their computational limitations. True omniscience, requiring the processing of infinite data and an understanding of every possible event, remains firmly within the realm of science fiction.

V. Conclusion

Omniscience, a concept encompassing unlimited knowledge, presents a multifaceted and challenging idea with implications across literature, philosophy, theology, and even emerging technologies. Whether explored as a narrative device, a divine attribute, or a theoretical possibility in AI, understanding omniscience requires careful consideration of its various facets – factual, propositional, and subjective knowledge. While true omniscience remains a theoretical concept, its

exploration compels us to ponder the limits of human understanding and the nature of knowledge itself.

FAQs:

1. Can humans ever achieve omniscience? No, based on our current understanding of the universe and human capabilities, achieving true omniscience is beyond the realm of possibility. Our cognitive limitations and the sheer vastness of information prevent us from ever possessing complete knowledge. 2. Is omniscience compatible with free will? This is a classic philosophical problem. If a being knows everything that will happen, including our choices, it raises questions about whether our choices are truly free or predetermined. 3. How does an omniscient narrator differ from a limited narrator? An omniscient narrator has access to all characters' thoughts and feelings and knows the entire story's events, while a limited narrator only presents the story from a specific character's perspective. 4. What are the limitations of AI in achieving omniscience? AI systems are limited by data access, computational power, and the inability to truly understand context and nuance in the way humans can. 5. What is the significance of omniscience in religious belief? In many religions, omniscience is a key attribute of a supreme being, highlighting God's absolute knowledge and understanding of the universe and all its inhabitants. It underpins concepts of divine justice and providence.

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