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National legislation

Italy

This page provides you with information on the legal system in Italy.

Sources of law

In Italy, as in every modern democracy, the political system is based on the separation of powers between the legislature, the executive and the judiciary.

Italian sources of law are usually provided by the legislature, which the executive enforces. The judiciary intervenes where laws are breached.

Types of legal instruments – description

The sources of law in Italy are, in order of importance:

The Constitution

The laws (codes and other parliamentary laws, regional laws)

Regulations

Customary law

A referendum can be a source of law, if it abrogates (repeals) an earlier law.

Law is open to interpretation and jurisprudence can influence subsequent decisions. However, jurisprudence is not strictly binding as Italy has a civil law system, where positive, written law is the main guide for interpreters.

The Constitution is the principle source of law. It is framed by a constituent power and can be amended only by a special proceeding – more complex than that required to modify ordinary laws.

Parliamentary laws are the result of consideration by both the Camera dei Deputati (low chamber) and the Senato (high chamber) and must be enforced and respected all over Italy. This excludes special laws adopted for specific territories or events – as, for instance, in response to an earthquake.

Regional laws have force only in the territory of the region concerned, and can rule only on specific issues.

In some matters, regional laws may be integrated into state laws (if existent) or may become exclusive (in the absence of a national regulation) – as for commerce, education, scientific research, sport, ports and airports, working safety and cultural goods.

Regulations consist of submitted instruments of rules, with details about the enforcement of laws, both national and regional.

Hierarchy of norms

The Italian judicial system complies with international and communitarian rules, both customary and written.

There is a hierarchy of sources of law. According to the rule of law, a law should not contradict the Constitution and a sub-legislative Act should not contradict a legislative source.

Institutional framework

Institutions responsible for the adoption of legal rules

Usually, the institutions responsible for the adoption of legal rules are the parliament and the regional councils.

In special circumstances, the government can adopt laws (with subsequent confirmation/modification by the parliament). This can be done in cases of urgency, or where the parliament has delegated the power.

Regulations are normally issued by the government or the regional councils, with details about the application of laws.

Decision - making process

The normal process of adopting a law consists of three phases:

Initiation: This prerogative belongs to the government, every member of the parliament, groups of voters (citizens), regional councils and some special institutions

Discussion and voting: This can be done in many different ways, depending on the internal rules of the parliament:

Promulgation and publication: Consists of a proclamation by the President of Italian Republic and publication in the official gazette.

Legal databases

The [Normattiva](#) project was launched in March 2010 to promote the computerisation and classification of the State and regional provisions in force by public administrations, to facilitate free searches and consultation of these provisions by citizens and to provide instruments for legislative review, which is the responsibility of the Prime Minister's Office, the Senate of the Republic and the Chamber of Deputies.

The documents in the "Normattiva" database can be consulted in three forms:

the original version published in the Italian Official Journal;

the version in force and applicable on the date of consultation of the database and

the version in force on any given prior date specified by the user.

When complete, the database will comprise the entire corpus of State law in the form of numbered acts (laws, decree laws, legislative decrees and other numbered acts).

At present it contains approximately 75 000 acts, all adopted in or since 1946.

It does not include ministerial decrees.

The project is still at the development phase. In future:

it will be possible to navigate the entire database via dynamic links from the amended provision to the relevant Article in the next amending act;

the search function will be upgraded to include searches "by concept" as well as by semantic category;

all the legislative acts published when Italy was a Kingdom (1861-1946) will be recovered and made available;

it will contain links to all the other public legislative databases, starting with those containing regional laws and Community legislation.

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