

PAOLO TARDA

I REATI URBANISTICO-EDILIZI

Seconda edizione

 Wolters Kluwer

CEDAM

I Reati Urbanistico Edilizi I Reati Urbanistico Edilizi

Giuseppe Furitano



I Reati Urbanistico Edilizi I Reati Urbanistico Edilizi:

I reati urbanistico-edilizi Paolo Tanda, 2010 *I reati urbanistico-edilizi. Terza edizione* Paolo Tanda, 2013-01-24 Le non poche novità legislative introdotte in materia edilizia si pensi alla legge n 134 del 7 agosto 2012 di conversione del d l 22 giugno 2012 n 83 recante misure urgenti per la crescita del Paese alla l 12 luglio 2011 n 106 alla l 30 luglio 2010 n 122 che ha previsto il nuovo istituto della S C I A alla l 22 maggio 2010 n 73 che ha previsto la previa comunicazione anche per via telematica in relazione ad alcune ipotesi di interventi edilizi liberi il costante evolversi dell'elaborazione giurisprudenziale in modo particolare della Corte di Cassazione ed i preziosi contributi della dottrina hanno portato inevitabilmente ad una rimodulazione generale e quindi ad una nuova edizione del presente volume In tale nuova edizione stata prestata un'attenzione particolare non solo alle ultime novità normative ed alle relative interpretazioni dottrinali ma anche alle più recenti pronunce adottate nella materia in esame sia dalla Corte Costituzionale si pensi alle sentenze n 164 del 27 giugno 2012 e n 188 del 16 luglio 2012 in tema di S C I A sia dalla Corte di Cassazione sia dalla giurisprudenza amministrativa nella consapevolezza della estrema utilità di questi aspetti per gli operatori del diritto Tale lavoro di messa a sistema della complessa materia dei reati urbanistico edilizi reso ancor più difficoltoso dal fatto che molte problematiche si collocano necessariamente in un'ottica di transdisciplinarietà in quanto si pongono al confine ad esempio tra il diritto penale ed il diritto amministrativo basti citare a titolo meramente esemplificativo tutta l'articolata parte trattata nel cap XI del volume relativa alla disapplicazione del titolo edilizio illegittimo Si tratta come ampiamente riconosciuto di una materia di notevole complessità sia appunto per gli stretti rapporti con altri rami dell'ordinamento quali il diritto amministrativo ed il diritto civile sia per il continuo susseguirsi di modifiche normative A ciò si aggiunge la circostanza che gli illeciti edilizi costituiscono una rilevante quota del contenzioso in materia penale in gran parte dei Tribunali italiani L'augurio che a tale sforzo da parte di giurisprudenza e dottrina di razionalizzazione del sistema sanzionatorio faccia seguito un equilibrato intervento del legislatore che effettivamente riconosca all'ambiente il primario ruolo di bene non inesauribile da tramandare alle generazioni future L'opera arricchita da un aggiornato e completo indice analitico che rappresenta un utilissimo e veloce mezzo di consultazione Tale aspetto unitamente agli ampi ed aggiornatissimi riferimenti giurisprudenziali dottrinali e normativi rende il volume un importante strumento operativo sia per gli studiosi che per gli operatori del diritto STRUTTURA DELL'OPERA ATTIVITÀ EDILIZIA E SANZIONI PENALI ATTIVITÀ EDILIZIA E TITOLI ABILITATIVI LA LETT A DELL'ART 44 T U 380 01 LA LETT B DELL'ART 44 T U 380 01 LA LOTTIZZAZIONE ABUSIVA I REATI PAESAGGISTICO AMBIENTALI PROFILI PROCESSUALI L'ORDINE DI DEMOLIZIONE DISPOSTO DAL GIUDICE PENALE ABUSI EDILIZI IN ZONE SISMICHE ED OPERE IN CONGLOMERATO CEMENTIZIO ED A STRUTTURA METALLICA LA SANATORIA DELLE OPERE ABUSIVE ATTIVITÀ EDIFICATORIA REALIZZATA CON PERMESSO DI COSTRUIRE ILLEGITTIMO **I reati urbanistico-edilizi** Paolo Tanda, 2022-05-05 Il libro tratta la complessa panoramica dei reati urbanistico edilizi offrendo una

documentazione completa e aggiornata dei vari orientamenti di dottrina e giurisprudenza con particolare attenzione alle recenti pronunce della Corte europea dei diritti dell'uomo della Corte costituzionale e della Corte di Cassazione

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volume esamina alcuni dei reati urbanistico edilizi e il sequestro preventivo che vanta in subiecta materia amplissima applicazione e da offrire un quadro di riferimento di diritto sostanziale e processuale Di qui l'opportunità di strutturare il volume in due parti la prima riservata alla trattazione dei reati urbanistico edilizi in senso stretto denominazione questa che frutto di elaborazione dottrinale attribuita a quegli illeciti penali oggetto di attenzione del legislatore in sede di redazione dell'art 44 del D P R 6 giugno 2001 n 380 nella seconda invece con una esposizione che viene ad assumere connotati squisitamente processuali si procede dall'esplorazione dell'istituto del sequestro preventivo a scopo di prevenzione con specifico riguardo all'accertamento dei presupposti alla disposizione all'esecuzione ed alle vicende estintive fino alle riflessioni sul ricorso alla misura ablativa in parola in materia urbanistico edilizia *Digesto. Discipline penali*, 1999

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