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**CONTEMPORARY LEGAL MODERNIZATION
IN ITALY: BETWEEN CIVIL JUSTICE
REFORM, STATE EFFICIENCY,
FUNDAMENTAL RIGHTS AND SECURITY
(Translation in *Extenso*)**

Abstract

The contemporary reforms of Italian legislation represent one of the most comprehensive attempts to adapt the legal system to the complex social, technological, and institutional challenges of the modern era. Instead of partial normative interventions, these reforms reflect the development of an integrated legal framework that encompasses criminal law, civil justice, and the institutional organization of the judicial system. The paper analyzes the Italian model through the lens of the relationship between civil justice reform, state efficiency, security, and the protection of fundamental human rights. The research is based on the normative and comparative law method, applying

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an analytical approach to the consideration of contemporary reform tendencies in the broader European context. The analysis includes reforms related to the introduction of the criminal offense of femicide, improving the protection of victims, the development of security-oriented criminal policy and legislative responses to digital forms of crime, as well as reforms aimed at increasing procedural efficiency, strengthening the managerial role of the court, the development of alternative dispute resolution methods and the regulation of artificial intelligence and civil liability in the digital environment. The research results indicate that the Italian model represents a form of functional legal modernization in which normative reforms are closely linked to institutional changes and an effort to establish a balance between efficiency, security, and protection of rights. The analysis points to the limitations of this approach, which are reflected in regulatory fragmentation, implementation challenges, and tensions between the requirements for security, effective management of social risks, and the preservation of procedural guarantees and fundamental rights.

Keywords: legal modernization, Italy, civil justice reform, procedural efficiency, fundamental rights, security.

INTRODUCTION

Intensive social and technological changes in the contemporary period make it increasingly difficult for traditional legal frameworks to respond to the complex challenges of modern society. In such circumstances, legislative reforms no longer represent sporadic interventions in the legal system, but a continuous process of its adaptation, aimed at preserving legal certainty, improving the efficiency of the judiciary, protecting fundamental rights, and responding to new security challenges. It is also observed that modern legal systems increasingly tend to reforms that include simultaneous changes in substantive and procedural law, as well as in the institutional organization of the judiciary, making law one of the key instruments for managing complex social processes and risks.

The Italian legal system is an illustrative example of this approach, since in recent years comprehensive reforms have been

implemented that cover criminal and civil law, as well as the area of regulation of new technologies. These reforms include legislative responses to gender-based violence, changes in penal policy, and strengthened protection of victims, as well as measures aimed at improving the efficiency of judicial proceedings, developing alternative dispute resolution methods, and normatively regulating the impact of digital technologies and artificial intelligence on legal relations. Part of the reform interventions is motivated by the need to strengthen the state's capacity to respond to new forms of crime, cyber threats, and other security challenges characteristic of the digital society. Such a breadth and diversity of reform interventions indicate the legislator's effort to adapt the legal system not only to existing, but also to future social and security challenges.

The main thesis of the paper is that contemporary reforms of Italian legislation represent a specific model of European legal modernization, within which, through a combination of national and supranational normative solutions, a new regulatory framework adapted to the digital society is being formed, but which points to the limitations of existing legal categories and the need for their further theoretical and normative improvement. The aim of the paper is to analyze key reforms in criminal and civil law, examine their role in the modernization of the legal system, and assess their significance within contemporary European legal trends.

Methodologically, the research is based on a normative-legal analysis of relevant legislative solutions in the Italian legal system, with the application of the comparative law method that allows them to be viewed in a broader European context. In addition, an analytical approach is used to examine the goals and effects of individual reforms, as well as their impact on the functioning of the modern legal system. Starting from the above, the paper seeks to answer the question of the extent to which Italian legislative reforms can represent a relevant framework for modern legal modernization, viewed through the relationship between state efficiency, civil justice reform, security, and the protection of fundamental rights. In this sense, it is specifically examined whether improving procedural efficiency and strengthening the managerial role of the court contribute to the realization of the right to a fair trial and effective legal protection, and to what extent security-

oriented tendencies in criminal law affect human rights protection standards. It is analyzed how the development of the legal framework for artificial intelligence and digital relations affects the formation of new models of civil liability and the balance between technological development, security, and the protection of individual rights. In this way, the paper does not view Italian reforms solely as a normative phenomenon, but rather as an expression of a broader transformation in the relationship between the state, law, security, and the protection of fundamental rights in modern society.

REFORMS OF ITALIAN CRIMINAL LAW: BETWEEN SECURITY IMPERATIVES, THE EXPANSION OF STATE POWER, AND THE LIMITS OF RIGHTS PROTECTION

Contemporary reforms of Italian criminal law are characterized by intensive attempts to adapt the legal system to contemporary social and technological challenges through changes in substantive, procedural, and institutional criminal law. Their main objectives include strengthening protection for victims of violence, combating new forms of crime, and improving the efficiency of the criminal justice system (Fabri 2008, 3). These reforms go beyond the framework of technical legislative improvement and indicate a growing tendency to instrumentalize criminal law to manage social risks and preserve public safety. Contemporary reforms of Italian criminal law can be observed through three interrelated directions: strengthening the protection of fundamental rights, especially in the area of gender-based violence, expanding repressive mechanisms to preserve security, and developing new normative models aimed at regulating digital crime and artificial intelligence. In this way, the reform process simultaneously confirms the protective function of criminal law and indicates the growing role of the state in the area of control and security.

Femicide is normatively distinguished in Italian law as a specific criminal offense motivated by gender hatred, domination, or control over women (Guatieri 2026), which confirms the broader development of legislation from formal equality towards the recognition of gender-

based violence as a structural social problem conditioned by power relations (Spadazzi et al. 2026). The Italian approach goes beyond criminalization itself and includes preventive mechanisms, victim protection, and coordinated action by institutions, starting from the understanding that femicide represents the final stage of continuous violence preceded by so-called “sentinel” crimes, which is why the importance of early institutional intervention is emphasized. Research confirms that an effective fight against gender-based violence requires coordinated action by the judicial, health, and social systems, while criminalization alone without adequate preventive policies has a limited scope (Spadazzi et al. 2026), which is also confirmed by empirical data according to which femicide most often represents the final stage of previous violence (Spadazzi et al. 2026). However, judicial practice often individualizes this phenomenon through emotional or psychiatric explanations of the perpetrators’ behavior, thereby relativizing its structural dimension and making it difficult to develop a consistent criminal law policy (Lalli and Virgilio 2025, 54–60). Contemporary theoretical approaches therefore increasingly view femicide as a manifestation of systemic violence that requires an integrated normative and institutional response (Spadazzi et al. 2026), especially considering that gender-based violence can reach the threshold of torture in terms of international human rights law if the state does not take adequate protective and preventive measures, and its responsibility can therefore also be based on failures in action (Argentero et al. 2024).

The Italian approach to femicide is both an example of a contemporary criminal law response to complex social challenges and a space in which the tension between the protection of fundamental rights, security imperatives, and the expansion of the repressive power of the state is clearly manifested. The normative isolation of femicide contributes to the visibility and social recognition of violence against women as a structural problem, with the state taking a more active role in its sanctioning, prevention, and protection of potential victims. In this sense, protection from gender-based violence is not only seen as a matter of individual rights, but also as a matter of human security and the ability of institutions to timely recognize and prevent risks that can lead to the most serious consequences. In this way, criminal

law does not function exclusively as a repressive mechanism, but also as an instrument of social transformation that connects repressive, preventive, and social mechanisms into a relatively coherent system. However, this approach simultaneously raises questions about the limits of criminal law intervention and the broader tendency to strengthen the state's control function. The risk is that criminal law, under the guise of protecting vulnerable groups and improving security, could become the dominant instrument for regulating social conflicts, crowding out more effective preventive, educational, and social mechanisms in the long term. This is precisely why the question remains open to what extent security is increased through the expansion of the state's repressive powers, and to what extent through the development of institutional capacities for the prevention of violence. Challenges in judicial practice and the limitations of preventive policies confirm that normative innovation alone is insufficient without the consistent application of the law, real institutional coordination, and a system that protects rights, promotes security, and upholds the basic principles of the rule of law. In this context, it is rightly pointed out that it is necessary to recognize the global nature of femicide and develop coordinated mechanisms of action at all levels, since its suppression requires a comprehensive approach that combines legislative measures, education, support for victims, promotion of gender equality, and change of social and cultural patterns that encourage violence against women (Topalović i Kolarski 2024, 137). Since this is a phenomenon that transcends national borders, international cooperation, the exchange of good practices, and consistent application of the law are key prerequisites for building an effective prevention system and ensuring a safer and more just environment for all women.

In the area of sexual offences, Italian criminal law shows a tendency to introduce stricter and more innovative measures, including initiatives for the application of chemical castration as a medical-therapeutic measure aimed at reducing recidivism and protecting potential victims. The proposed model is based on voluntary and reversible hormonal treatment with the possibility of mitigating the sentence, but linking consent to benefits in criminal proceedings calls into question its actual voluntariness, a key controversial issue in theory (Maharani and Pangestu 2024). Comparative legal solutions show

different approaches – from mandatory implementation, which provokes criticism due to the risk of violating fundamental rights, to voluntary models combined with psychotherapeutic support (Perrotta et al. 2025; Bakhurynska 2025). International standards, therefore, insist that such measures must be based on free and informed consent and must not constitute inhuman or degrading treatment (Nour 2020). The Italian debate on chemical castration thus reflects the broader dilemmas of contemporary criminal law regarding the limits of state intervention and the use of medical instruments for the purpose of criminal repression. This approach demonstrates the legislator's willingness to address the high risk of recidivism and improve the protection of potential victims, but also raises the question of whether medical measures can be instrumentalized for the state's repressive policy. The development of Italian criminal legislation is also characterized by the so-called securitarian turn, i.e., the strengthening of the repressive function of criminal law through the expansion of the protection of public order and security and the introduction of new repressive mechanisms to suppress socially dangerous behavior (Venturi 2026). Such an approach represents the state's response to contemporary security challenges, but it also raises questions about the limits of criminal law repression and the preservation of fundamental civil liberties. Criminal law is thus increasingly used as an instrument for managing social risks, which leads to a change in its traditional protective function.

The modern reforms of Italian criminal legislation represent a significant, but still incomplete, process of modernizing the legal system. Their value is reflected in the legislator's efforts to address new forms of crime, enhance victim protection, and adapt the criminal justice system to contemporary social circumstances. However, the Italian experience shows that the success of reforms does not depend solely on normative expansion and tightening of penal policy, but primarily on the development of preventive mechanisms, institutional coordination, and consistent application of the law. In this context, the reforms indicate that the modern concept of security cannot be reduced solely to the state's repressive response, but rather implies the ability of institutions to act preventively, recognize risks in a timely manner, and ensure the effective protection of citizens' rights. This confirms that security, the rule of law, and the protection of

fundamental rights are interconnected elements of a modern democratic order. The literature additionally points to the problems of casuistic norming and insufficiently precise terminology, which can make the implementation of new solutions difficult (Kudriasova 2024). Therefore, the Italian model can be seen both as a significant reform step forward and a warning about the need to establish a sustainable balance between effective criminal law protection, state security policy, and the preservation of the basic principles of the rule of law. In this sense, the modern reforms of Italian criminal legislation represent a significant, but still incomplete process of legal modernization, the real achievements of which will depend on the ability of the legislator and judicial institutions to ensure effective protection of society, respond to modern security challenges, and preserve the fundamental values of a democratic legal order.

CONTEMPORARY REFORMS OF ITALIAN CIVIL LAW

The transformations of civil law in European countries cannot be viewed in isolation from the broader process of judicial modernization and the adaptation of legal systems to contemporary social and technological circumstances. The last decades have been marked by intensive reforms aimed at improving the efficiency of judicial protection, developing alternative dispute resolution methods, and adapting the legal framework to the digital environment. The Italian legal system is an illustrative example of such reform tendencies, as in recent years, numerous legislative interventions have significantly influenced the functioning of civil justice and the development of civil legislation (Cavallini and Cirillo 2024, 7). Modern reforms of Italian civil law can be systematized through several key directions: improving procedural efficiency through the reform of civil procedure, developing alternative dispute resolution methods, strengthening the institutional independence and integrity of the judiciary, and establishing a normative framework for the regulation of digital technologies and artificial intelligence.

The Cartabbia reform represents one of the most comprehensive attempts to restructure Italian civil procedure with the aim of increasing

efficiency and shortening the duration of litigation (Manowska 2024). The reform is based on changing the traditional model of proceedings, in which the court played a predominantly passive role, to a model of more active court management of the proceedings and the evidentiary process. Such an orientation is aimed at rationalizing the proceedings and preventing procedural abuses that contribute to the delay of disputes, while fitting into a broader strategy of modernizing the judiciary and strengthening procedural efficiency (Cavallini and Cirillo 2024, 9). One of the key instruments of the reform is the concentration of procedural material in the early stages of the proceedings, whereby the parties are expected to present decisive facts and evidentiary proposals before the first hearing. In this way, the traditional fragmentation of procedural stages is abandoned, and a more structured, time-compressed procedural model is established, enabling faster decision-making and more efficient dispute management (Matteucci 2023, 234–235). Such solutions fit into the contemporary European tendencies of accelerating court proceedings and rationalizing procedural activities, but they can lead to an increase in initial costs and an additional burden on the parties, especially those with limited resources, which raises the question of real equality of access to justice and procedural balance.

A particularly significant change relates to the evidentiary procedure and strengthening the managerial role of the court in organizing the presentation of evidence. Contemporary tendencies indicate the need to strengthen procedural discipline and prevent the abuse of procedural rights through the concentration of evidentiary material and a more precise definition of procedural phases (Manowska 2024). In this way, the court is no longer exclusively a passive arbitrator who reacts to the initiative of the parties, but an active subject who manages the course of the proceedings. However, the limits of such an approach require particularly careful interpretation. We believe that the submission of evidence and the burden of proof should still remain on the side of the parties, in accordance with the principles of dispositive and contradictory nature, while the court should be allowed a more active role in assessing the relevance of the proposed evidence in order to prevent abuses and unjustified delays in the proceedings. In this way, a balance is achieved between the procedural autonomy of the

parties and the requirements of efficiency, without abandoning the basic procedural guarantees of a fair trial.

In parallel with the procedural innovations, the reform strongly affirms alternative methods of dispute resolution, primarily mediation, which in a significant number of disputes becomes an almost mandatory procedural step. The range of cases in which an attempt to peacefully resolve a dispute is a procedural requirement has been expanded, and fiscal incentives and sanctions for unjustified absence of parties have been introduced, including the possibility of drawing negative procedural conclusions from such behavior (Matteucci 2024, 6–7). Mediation thus ceases to be merely an alternative to court proceedings and becomes an integral part of them, contributing to the courts' relief and more efficient dispute resolution, especially in economic relations, where lengthy procedures can cause significant financial consequences. However, despite the reform's normative ambitions, practice reveals certain ambivalences. Although the number of mediations has increased, the overall success rate remains relatively low, whereas significantly better results are achieved when the parties actively participate (Matteucci 2024, 1–5). This confirms that mediation, although strongly normatively affirmed, can achieve its full functionality only with an appropriate level of legal culture and trust of the parties in these mechanisms, which is why its efficiency largely depends on extra-legal factors. In addition to procedural reforms, contemporary trends include issues of professional ethics and the judiciary's institutional independence. Research shows that regulating potential conflicts of interest can directly affect the quality of judicial decision-making, while empirical data confirm that prohibiting judges from participating in private arbitrations reduces the risk of conflicts of interest and contributes to greater impartiality of judicial practice (Dalla Pellegrina, Garoupa, and Grajzl 2024). Such findings confirm that the efficiency of the legal system does not depend solely on normative solutions, but also on the institutional environment and professional behavior of judicial actors.

The Kartabiya reform, therefore, represents a transition to a modern hybrid model of civil procedure in which the traditional principles of dispositive and contradictory are harmonized with the requirements of efficiency and active management of the procedure.

The requirements of procedural efficiency must, however, be interpreted in light of basic procedural guarantees, so that the acceleration of the procedure does not result in a violation of the parties' rights to a fair and adversarial trial (Bećirović-Alić 2019). It is precisely in striking a balance between efficiency and fairness, as well as between the active role of the court and the protection of the procedural rights of the parties, that lies the key challenge and the measure of the long-term sustainability of this reform. In this context, significant changes are also evident in the area of digitalization of the judiciary, including the introduction of electronic communication between courts and parties, digital case management, and electronic submission of submissions. Digitalization thus represents not only a technical improvement but also a transformation of the way the judiciary functions, with potential impacts on access to justice, transparency, and the efficiency of judicial protection.

A special place among modern reforms is occupied by Italy's adoption of the Law on Artificial Intelligence, which establishes a comprehensive national regulatory framework in this area for the first time. The law introduces a multi-layered regulatory model that includes institutional oversight of the development and application of AI systems, special rules in sensitive sectors, and significant changes in copyright and criminal law. Artificial intelligence is thus no longer seen as a phenomenon that can be integrated into existing legal frameworks, but as an independent regulatory subject that requires special rules, including the development of new models of civil liability. The advantage of the Italian approach is reflected in its compliance with the European AI Act and the effort to concretize general European principles at the national level, which is why the Italian model can represent a relevant role model for other European countries, especially in connecting different legal areas into a single regulatory framework and introducing institutional oversight of AI technologies. A significant part of the key issues has been left for future normative elaboration, which shows that the regulatory framework is not yet fully completed (Bonsignore et al. 2025).

An additional challenge is information asymmetry and the difficulty of proving in disputes arising from the application of AI systems. The existence of the so-called chain of responsibility, which

includes multiple entities involved in the development and application of AI systems, makes it difficult to establish a causal link and identify the responsible person. The fragmentation of the legal framework, arising from the parallel application of different legal regimes, further complicates the exercise of legal protection and underscores the limitations of existing liability models in the digital environment (Balboni et al. 2025, 2). In this way, the regulation of artificial intelligence goes beyond the boundaries of traditional civil law and becomes one of the central issues of contemporary legal development.

Civil law reforms aim to adapt civil law relations to new social circumstances and the requirements of the modern legal system. Their value is reflected in improving the efficiency of the judiciary, developing alternative dispute resolution methods, and adapting the legal framework to the digital society. However, the Italian experience shows that the success of reforms depends not only on normative changes but also on their consistent implementation in practice. If the institutional and organizational capacities of the judicial system are not aligned with new solutions, the reforms' effects may remain limited. Efficient and predictable civil justice is an important element of legal certainty and institutional stability, since the trust of citizens and business entities in the legal system largely depends on the ability to obtain effective and timely legal protection. In this sense, improving civil justice contributes not only to the protection of subjective rights but also to strengthening broader social and institutional security, grounded in the rule of law and the security of legal relations. Therefore, further development of civil law must aim to strengthen institutional capacities, improve procedural mechanisms, and foster a legal culture that promotes efficient and fair dispute resolution. In this sense, the Italian model of civil law reforms can be seen both as an example of functional modernization of law and a warning that normative innovations without appropriate institutional support, legal certainty, and a developed legal culture cannot achieve their full effects.

COMPARATIVE SIGNIFICANCE OF ITALIAN REFORMS

The significance of Italian legislative reforms extends beyond national frameworks and takes on broader European significance, especially in the areas of judicial efficiency, human rights protection, and the regulation of new technologies. These reforms show that the efficiency of the judiciary is today seen less as a purely procedural issue and more as an important element of institutional security. The ability of citizens and businesses to rely on effective and timely legal protection directly affects legal certainty, social stability, and trust in public institutions. From a judicial organization perspective, Italian reforms confirm that improving procedural efficiency is a central issue in contemporary European legal systems.

The Cartabbia reform shows that procedural efficiency can be achieved by combining procedural instruments, strengthening the managerial role of the court, and developing alternative dispute resolution methods (Cavallini and Cirillo 2024, 9). However, European legal systems achieve these goals through different political-legal models. The German model favors stronger institutional control through strict procedural discipline and an active role for the court, reflecting the understanding of the state as a guarantor of legal certainty and institutional stability. In contrast, the French model is characterized by greater procedural flexibility and more pronounced party autonomy, with a more limited managerial role of the court. Although both systems encourage alternative dispute resolution and procedural pragmatism (Ranjard 2011, 12–13), the differences between them show that judicial reforms are not politically neutral but directly reflect the relationship among institutional control, efficiency, and the protection of individual rights.

The Italian approach stands out for its attempt to unify procedural, institutional, and organizational changes into a single reform framework, thus giving the reforms a pronounced systemic character. The Italian experience confirms that the efficiency of the judiciary depends not only on procedural norms, but also on institutional capacities, the organization of courts, and the professional competence of judicial actors, which is also confirmed by German

and French practice (Ranjard 2011, 19–21). In this way, the issue of procedural efficiency grows into an issue of the political philosophy of the state and the limits of institutional rationalization of the modern judiciary.

In the field of criminal law, Italian reforms are of particular importance in the context of the normative recognition of femicide as a special form of gender-based violence (Guatieri 2026). Different European approaches to this issue show that criminal law reflects broader political and social understandings of equality, the role of the state, and the limits of criminal law intervention. While French and German law maintain a formally neutral approach through the application of general crimes against life, with the possibility of evaluating gender motivation as an aggravating circumstance, the Italian model starts from the point of view that formal equality is not enough in conditions of structural gender-based violence. Similarly, Spanish law continues to treat femicide through qualified forms of murder within the framework of domestic violence, while Malta shows a tendency to approach the Italian model through a special normative emphasis on the gender dimension of violence (Aybars 2023, 10). Viewed from this perspective, different European judicial models also reflect different understandings of institutional security. While some systems emphasize a stronger role for the court and more intensive institutional control to preserve legal certainty and stability, others place greater value on procedural autonomy of the parties and procedural flexibility.

Such differences confirm the absence of a single European approach to femicide and point to deeper differences in the understanding of the role of the state in the protection of vulnerable groups. The Italian model goes beyond the limits of classical criminal law policy and poses femicide as a question of the political legitimacy of the state and its ability to ensure the real protection of women's human rights. Critically oriented literature warns that the expansion of specific criminal offenses can lead to the fragmentation of the criminal justice system and excessive symbolic criminalization, with stricter penal policies sometimes presented as a substitute for long-term institutional and social measures to protect women. An additional problem is the fact that judicial practice does not always follow legislative goals, but sometimes relativizes the broader social significance of femicide

by reducing it to the individual or psychological circumstances of a specific case (Lalli and Virgilio 2025, 60), while similar problems can be observed in other European countries despite developed normative frameworks (Aybars 2023, 11). In this sense, the issue of femicide is increasingly going beyond the framework of a classic criminal law response and is becoming part of a broader discussion about human security, which implies the state's obligation not to react only after violence has occurred, but to prevent risks that threaten the life, dignity, and safety of women through preventive and protective mechanisms.

Of particular comparative and political importance are reforms in the field of artificial intelligence regulation. Modern AI systems are no longer viewed solely as technical tools, but as complex socio-technological structures that influence the distribution of power, decision-making, and the exercise of rights, which is why regulation encompasses the entire life cycle of AI systems through the concept of so-called model governance and model risk management (Lazzaroli 2025). Different regulatory approaches simultaneously reflect broader political and ideological differences between the state, the market, and the individual (Hidayati, Surono, and Pamungkas 2025). While the American model favors market autonomy and the dominant role of the private technology sector, the Chinese approach is characterized by strong centralized state control and the use of digital technologies as instruments of social governance. The European Union is trying to establish an intermediate model based on the concept of "trustworthy artificial intelligence", insisting on transparency, accountability, and the protection of fundamental rights through the AI Act and related European instruments. This also gives the European model a geopolitical dimension through the so-called *Brussels effect*, i.e., the global normative influence of European standards (Siegmann and Anderljung 2022, 2–3).

These reforms are an example of the implementation of European regulatory trends at the national level. Italy was relatively early to engage in the development of a regulatory framework aligned with the European Artificial Intelligence Act (Balboni et al. 2025, 2), with the combination of European and national norms allowing for the adaptation of general principles to the specificities of the domestic system, but also raising issues of legal certainty and uniformity of

application. At the same time, the literature indicates that the ability of European states to effectively shape regulatory policies in the field of artificial intelligence is not determined solely by the quality of regulatory solutions, but also by their technological, economic and geopolitical capacities (Bonelli 2026). In the context of intense global competition, European states face limited opportunities to independently monitor the dynamics of the development of the most advanced AI systems, which further emphasizes the importance of a coordinated European approach and the strategic strengthening of their own innovation potential (Vacarelu 2023, 113). An additional challenge is the development of special liability regimes for damage caused by AI systems, where the European approach does not introduce a single substantive liability regime, but rather relies on mechanisms of facilitated proof and the presumption of fault and causation (Hacker 2023, 1–2). Such normative uncertainty is particularly expressed in situations of distributed liability between developers, manufacturers, users, and algorithmic systems, which can lead to a weakening of legal certainty and difficulty in exercising the right to effective legal protection. The growing dependence of modern societies on algorithmic systems also raises questions about digital security, institutional resilience, and the ability of the legal system to respond to technological risks that increasingly transcend national borders. This is precisely why modern regulatory models are increasingly based on preventive risk management, strengthening institutional oversight and establishing accountability mechanisms, in order to preserve the security of the digital environment without jeopardizing fundamental rights and technological development. However, the question remains open to what extent increasingly complex regulatory frameworks actually contribute to more efficient management of digital risks, and to what extent they create additional challenges in the application of law, legal certainty, and the effective protection of individual rights.

The Italian reforms represent a significant example of contemporary European legal modernization, but they also point to its limitations. The Italian experience shows that contemporary legal modernization is not a linear process of institutional progress, but a complex relationship between regulatory expansion, political priorities,

security requirements, and the protection of fundamental rights. Therefore, the success of contemporary reforms cannot be measured solely by the scope of normative interventions, but by their ability to establish a sustainable balance between efficiency, security, legal certainty, institutional sustainability, and the protection of fundamental rights in conditions of accelerated technological and social change.

CONCLUSION

The transformations of the Italian legal system show that law in modern conditions no longer develops exclusively through partial changes to individual norms, but through an attempt to simultaneously adapt institutions, procedures, and regulatory mechanisms to new social and technological circumstances. The analysis of reforms in the field of civil and criminal law, as well as the regulation of artificial intelligence, confirms the basic thesis of the paper that the Italian model is characterized by an effort to link the efficiency of the judiciary, the protection of human rights, and institutional adaptation into a single reform framework.

The research confirms that legal modernization is not a politically neutral process. Different European approaches to judicial reform, victim protection, and the regulation of new technologies reflect deeper differences in how they understand the relationship between the state, the individual, and the limits of institutional intervention. While some systems prioritize procedural autonomy and a limited role for the state, others insist on stronger institutional control in order to preserve efficiency, security, and legal certainty. In this way, reforms go beyond the framework of classical legislative policy and become an instrument for redefining the state's role in managing social risks and protecting fundamental rights.

The special value of the Italian approach stems from its integrative structure. Unlike partial reform models, Italian legislation attempts to unify procedural reforms, institutional reorganization, victim protection, and digital space regulation into a single concept of legal transformation. However, it is precisely this breadth of the reform effort that reveals its fundamental weaknesses. The continuous

expansion of the regulatory framework, intensive normative production, and the increasing complexity of legal regimes create the risk of legal system fragmentation, difficulties in law application, and a weakening of legal certainty.

The research results further confirm that the efficiency of the judiciary and the tightening of regulatory mechanisms do not in themselves guarantee effective protection of human rights. The Italian experience shows that the real achievements of reforms primarily depend on institutional capacities, professional standards, uniformity of case law, and the legal system's ability to ensure consistent application of the law. This is particularly evident in the areas of gender-based violence and the regulation of artificial intelligence, where normatively ambitious solutions often encounter serious problems of practical implementation, different interpretations, and limited institutional efficiency.

The analysis of artificial intelligence regulation also shows that contemporary law is becoming a space of intense geopolitical and economic competition. The European regulatory model, based on the concept of "trusted artificial intelligence", represents the European Union's attempt to preserve normative sovereignty and establish control over the digital space through law. However, it is shown that an extremely complex regulatory framework can have the opposite effect, increasing normative overload, slowing innovation, and increasing the dependence of European systems on technologically dominant global actors. Thus, the regulation of new technologies goes beyond the boundaries of classical legal policy and becomes a question of political power, institutional autonomy, and democratic control in the digital society.

Finally, the Italian experience shows that the success of contemporary legal modernization cannot be measured solely by the speed of court proceedings, the number of reforms adopted, or the scope of normative interventions. Its real value lies in legal institutions' ability to simultaneously ensure effective protection of rights, respond to contemporary security challenges, and preserve democratic legitimacy amid accelerated technological and social change. In this sense, the Italian model simultaneously demonstrates the potential and limitations

of contemporary legal modernization. While reform processes offer significant solutions to improve the efficiency of the judiciary, protect victims, and regulate new technologies, they also point to risks of excessive regulatory expansion, institutional burden, and increasing tension between security requirements and the protection of individual freedoms. Precisely because of these internal contradictions, the Italian experience represents a particularly important comparative framework for understanding the future directions of development of European legal systems in conditions of digital transformation and growing social and security challenges.

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САВРЕМЕНА ПРАВНА МОДЕРНИЗАЦИЈА У ИТАЛИЈИ: ИЗМЕЋУ РЕФОРМЕ ГРАЃАНСКОГ ПРАВОСУЋА, ДРЖАВНЕ ЕФИКАСНОСТИ, ЗАШТИТЕ ОСНОВНИХ ПРАВА И БЕЗБЕДНОСТИ

Резиме

Савремене реформе италијанског правног система представљају један од најзначајнијих примера правне модернизације у условима убрзаних друштвених, технолошких и институционалних промена. Уместо парцијалних измена појединих правних области, италијански законодавац настоји да кроз реформе кривичног права, грађанског правосуђа и регулације дигиталног простора обликује интегрисани модел правне трансформације. Рад полази од става да се савремене реформе у Италији не могу посматрати искључиво као техничко унапређење законодавства, већ као израз шире трансформације односа између државе, права, безбедности и заштите основних права. Истраживање се заснива на нормативноправном и упоредноправном методу, уз примену аналитичког и критичког приступа. Анализа обухвата реформе у области кривичног права, грађанског поступка, алтернативних метода решавања спорова и регулације вештачке интелигенције, при чему су италијанска решења сагледана у ширем европском контексту. Резултати истраживања показују да савремене реформе италијанског кривичног права карактерише истовремено јачање

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заштите жртава и ширење безбедносно оријентисане функције државе. Посебан значај има нормативно издвајање фемицида као посебног кривичног дела, чиме се родно засновано насиље препознаје као структурни друштвени проблем и питање људске безбедности. Истовремено, анализа показује да ширење посебних кривичних дела, пооштравање казнене политике и јачање контролне улоге државе отварају питања граница кривичноправне репресије, ризика од симболичке криминализације и очувања равнотеже између безбедности и заштите основних права. У области грађанског права анализа показује да Картабија реформа представља један од најзначајнијих покушаја модернизације грађанског поступка у савременом европском праву. Основни циљ реформе јесте повећање процесне ефикасности кроз јачање управљачке улоге суда, концентрацију процесних активности и развој алтернативних метода решавања спорова. Истраживање указује да се италијански модел налази између различитих европских приступа који настоје да успоставе равнотежу између процесне ефикасности, институционалне контроле, правне сигурности и права на правично суђење. Резултати истовремено показују да захтеви ефикасности могу угрозити процесну равнотежу и стварну једнакост приступа правди уколико нису праћени одговарајућим институционалним гаранцијама. Посебан сегмент рада посвећен је регулацији вештачке интелигенције и трансформацији грађанскоправне одговорности у дигиталном окружењу. Истраживање показује да савремени АИ системи више не представљају искључиво техничка средства, већ комплексне социотехнолошке структуре које утичу на расподелу моћи, доношење одлука и остваривање права. Италијански приступ у великој мери је усклађен са европским АИ актом, али анализа истовремено указује на бројне изазове који се односе на правну сигурност, институционалну одговорност, дигиталну безбедност и делотворну судску заштиту у условима расподељене одговорности између више субјеката укључених у развој и примену система вештачке интелигенције. Основни закључак рада јесте да италијанске реформе представљају значајан, али истовремено и амбивалентан модел савремене правне модернизације. Њихова вредност огледа се у настојању да се институционалне, процесне

и нормативне промене повежу у јединствен реформски оквир усмерен ка повећању ефикасности државе, јачању безбедности и унапређењу заштите права. Истовремено, истраживање показује да интензивна нормативна продукција, сложеност регулаторних режима и растућа улога државне контроле могу довести до фрагментације правног система, правне несигурности и слабљења институционалне одрживости. Италијанско искуство стога потврђује да савремена правна модернизација представља сложен процес успостављања равнотеже између државне ефикасности, безбедности, регулаторне експанзије и заштите основних права у условима убрзаних друштвених и технолошких промена.

Кључне речи: правна модернизација, Италија, реформа грађанског правосуђа, процесна ефикасност, основна права, безбедност.

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