THEORIES, PRINCIPLES AND CRITERIA REGARDING THE EXISTENCE OF THE SUCCESSION OF CRIMINAL LAWS IN TIME IN THE ITALIAN REPUBLIC

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Abstract

This research aims to conduct a study on the succession of criminal laws over time in the Italian Republic. The research is carried out as a result of the legal, doctrinal and jurisprudential analysis of this European state. The theories, principles and criteria for establishing the most favorable criminal law in the case of a succession of normative acts will be identified. The concept of lex tertia will also enjoy attention, because we want to know if in Italy the more favorable criminal law is applied on autonomous institutions, ie if legal provisions from two or more consecutive criminal laws can be combined.

Keywords: *more favorable criminal law, non-retroactivity, retroactivity, lex tertia.*

JEL Classification*:* K14, K33

1. Introduction

Because art. 5 of the new Criminal Code generated heated theoretical discussions and antagonistic practical solutions regarding the application of the more favorable criminal law on autonomous institutions, resulting in the issuance of two diametrically opposed solutions, the first by the High Court of Cassation and Justice, and the second by the Constitutional Court, which practically invalidated the decision of the High Court of Cassation and Justice, I considered it necessary to investigate the legal systems of the other European states in order to identify the solution applied in this case.

Therefore, the first state whose legal system I have chosen to examine is the Italian Republic, and I have found that doctrine and jurisprudence support the solution handed down by the Constitutional Court.

2. The concept of validity in the Italian legal system

According to the general theory of Italian law, the validity of a legal norm means that it belongs to a predefined system. Thus, a criminal provision will be applicable only to the extent that it complies with the Constitution of the Republic of Italy.

In this contextual concept we can distinguish between validity in the formal sense, which refers to the conformity of the legal provision with the ways of producing the legal effects provided in the legal system and validity in the material sense, which implies the correspondence of the provisions with constitutional principles.

Often, the term "validity" or even "applicability" is used in the science of criminal law in a different sense, in order to synthesize the common requirements of all the cases that a set of rules regulates. I am referring here to the validity or application of criminal provisions over time, in space, with regard to persons, as well as with regard to matter in order to fall within the scope of the foresight of legal provisions.

In the Italian legal system, the validity is limited to the case of single rules, i.e. the regulation is carried out in a unitary way in a set of rules.

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then the scope of its validity in space is the territory of the country. The uniform application of the validity requirements helps to simplify the legislation so that it is not repeated for every single provision. One regulation is enough for the whole set of rules. The simplification is also reflected in the science of law because here too it will be enough to expose once and for all the doctrine of the validity of the criminal norm.

3. The application of the criminal law in time

Historical-political premises. The basic principle from which the legal systems of continental Europe are inspired is that of the non-retroactivity of the criminal law "*nullum crimen, nulla poena sine praevia lege poenali*".

This principle, which seeks to protect individual freedom, dates back to 1789, when the Declaration of the Rights of Man and of the Citizen was promulgated, this being its first explicit normative formulation. In Article 8, from the document mentioned above, it was established „*nul ne peut être puni, qu'en vertu d'un loi établie et promulguée antériorement au délit et légalement appliquée*".

Due to the military conquests and cultural influences, but also to the politico-cultural acquisitions of the French Revolution that spread to the rest of Europe, the principle of non-retroactivity of criminal law penetrates the laws of continental Europe. However, this principle remains foreign to the Anglo-Saxon system, even if in common law the constraint of the judge by previous decisions can, in most cases, determine a similar effect to the principle of non-retroactivity of criminal law.

The two different theories are inspired by the law of giusnaturalism[2]. However, one of them highlights the need to protect man and the citizen against possible abuses of political power. The other emphasizes the need for a set of laws on concrete cases. For the first, in no case can an act that was not provided for as a crime at the time it was committed be punished. With regard to the second theory, there are usually exceptions in which the need for compact legislation takes precedence over "the judicial precedent".

An application of its own principles contained in common law rules took place in the Nuremberg and Tokyo trials against war criminals[3]. In these trials, the courts held that in order to punish "crimes against peace" it was enough to apply the Agreement between the great allied powers regarding the pursuit and punishment of the main war criminals of the European powers of the Axis, signed in London on August 8, 1945(therefore, after the time when the acts were committed). Only *ad abundantiam*[4] were cited international customs regarding the international illegitimacy of the war of aggression, which came into force after the First World War. It should be noted that, both in the London Agreement and in the customs, there were no penalties applicable to the commission of the offenses. Closely related to the principle of non-retroactivity of criminal law is punishment, so the Nuremberg and Tokyo Courts sanctioned the common crimes (the massacre of Jews and others). In most cases, these facts were not even justified by the laws of the state of which the defendant was a citizen. The fulfillment of an obligation, to which the defense repeatedly appealed, was not a justifying cause for removing the criminal character of the deed even in the legal systems in which the hierarchical scale is more developed and the subordinate is obliged to submit to a clearly illegal order. In any case, a principle of international law may be formulated according to which the causes of non-imputability of the crime provided by national law are not taken into account in relation to certain norms of international law.

It should be noted that in the continental European judicial systems there were, in moments

[2] Natural law (Latin *ius naturale, lex naturalis*) is a philosophy that states that certain rights are inherent in virtue of human nature, endowed by nature - traditionally by God or a transcendent source - and that they can be universally understood by human reason, the document is avaible online at the adress https://ro.wikipedia.org/wiki/Drept_natural, 01.11.2021.

[3] Taylor, T.: *Norimberga e Vietnam*, Ed. Garzanti Libri, Milano, 1971, p. 68-85.

[4] Used in legal language when providing additional evidence for an already sufficient collection. It is also commonly used as the equivalent of "as if this were not enough". Encyclopedia site: en.wikiqube.net, https://en.wikiqube.net/wiki/List_of_Latin_phrases_(full), 01.11.2021.

of strong political tension, violations of the principle of non-retroactivity of the criminal law. We mention in this sense, in the countries conquered by the Nazis, the French Law of September 7, 1941, regarding the protection of national development and reconstruction and the Decree-Law of the Italian Socialist Republic of November 11, 1943, regarding the fascist revolution. In addition, after the collapse of the Nazi regime, multiple regulations were enacted in Germany for the punishment of Nazi crimes, and in Italy, Decree-Law No. 159 of July 27, 1944, provided for the punishment of fascist crimes and collaboration with the Germans[5].

In my opinion, the violation of the principle of non-retroactivity may be justified in some cases by appreciable reasons in contemporary justice[6]. However, the danger of the violation of the citizen's freedom by the political power is so serious that it would be advisable to respect the principle of non-retroactivity as it is established in the continental European tradition.

The European Convention on Human Rights of 4 November 1950 establishes in Article 7 the non-retroactivity of criminal law by providing an exception to retroactivity if the act at the time it was committed was considered a crime according to the general principles of law recognized by civilized nations.

International Covenant on Civil and Political Rights (ratified in the Republic of Italy by Law no. 881/22 of October 1977[7] and entered into force on 15 December 1978) and provides in art. 15 of the Third Part[8] a similar regulation to the one from art. 7 of the European Convention on Human Rights.

The Rome Statute of the International Criminal Court was adopted on July 17, 1998 and provides for a reaffirmation of the principle of non-retroactivity of criminal law.

Constitutional Regulation. Paragraph (2) of art. 25[9] of the Constitution of the Republic of Italy was largely inspired by art. 8[10] of the Declaration of the Rights of Man and of the Citizen from 1789, which stipulated that "no person can be punished except on the basis of a law which entered into force prior to the date of the act"[11]. Therefore, it is thus reiterated at constitutional level that the principle of non-retroactivity provided in art. 11[12] of the Provisions on the law in general which stipulates that "The law applies only for the future, it has no retroactive effect", applies to criminal laws as well.

At first sight, the foundation of this constitutional statute consists in the need for a predictability of the law. It would seem that the aim was to ensure the application of the norm in force at the time of committing the crime for any deed that constitutes a crime. In this sense, the dominant Italian doctrine is oriented to which it is difficult to justify the exceptions from the constitutional principle of non-retroactivity, as we will see that they are provided by the Criminal Code. Indeed, the basic principle governing the succession of criminal laws in the Italian system is not that of non-retroactivity. Non-retroactivity is the corollary of the "*favor libertatis*" principle, a superior principle which, in homage to the citizen's freedom, ensures a milder criminal treatment than the one established by the criminal law at the moment of committing crimes and the punishments established by successive laws[13].

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[5] Vassalli, G., *Nullum crimen sine lege*, Novissimo Digesto Italiano, XI, Torino, 1965, p. 493.

[6] Pagliaro, A., *Principi di diritto penele, Parte generale*, Ottava edizione, Dott. A. Giuffre Editore, Milano, 2003, p. 114.

[7] The document is avaible online at the adress http://legxv.camera.it/cartellecomuni/leg14/RapportoAttivitaCommissioni/commissioni/allegati/03/03_all_legge1977881.pdf, 01.11.2021.

[8] „1. No one shall be held guilty of any penal offense on account of any act or omission which did not constitute a penal offense, under national or international law, at the time when they were committed. Also, no more severe punishment will be applied than the one that was applicable at the time of the crime. If, after committing the crime, the law provides for the application of a lighter punishment, the delinquent must benefit from it. 2. Nothing in this article precludes the prosecution or conviction of any individual for acts or omissions which, when committed, were regarded as criminal acts, in accordance with the general principles of law recognized by all nations", the document is available online at the address https://legislatie.just.ro/Public/DetaliiDocumentAfis/82590, 01.11.2021.

[9] „No punishment shall be imposed except in accordance with the law in force at the time the offense was committed. The application of measures restricting the person's freedom is done only in accordance with the law."

[10] „The law must establish only strictly and obviously necessary punishments and no one can be punished except by virtue of a law established and enacted prior to the crime and legally applied."

[11] According to art. 7 of the European Declaration of Human Rights.

[12] „Art. 11. (*Efficacia della legge nel tempo). Le legge non dispone che per l'avvenire: essa non ha effetto retroattivo*".

[13] Siniscalco: *Tempus commissi delicti*, in „Annali Macerata", 1966, p. 21 dell'estratto *apud* Pagrliaro, A., op. cit., 2003, p. 115.

The legislator did not want to establish sic et simpliciter[14] the principle of non-retroactivity of the criminal law. As is clear from the work on the Constitution, it intended only to regulate a particular application of the higher principle *favor libertatis*. Therefore, if there are norms that are in conflict with the principle of non-retroactivity, they are constitutional if they do not violate the ratio[15] of the provisions of art. 25 para. (2) of the Constitution of the Republic of Italy.

The regulation of art. 2 of the Criminal Code of the Republic of Italy. The phenomenon of the succession of criminal laws in time has its normative source in article 2 of the Criminal Code. This article is based on constitutional principles, primarily on the principle of legality. The first paragraph of art. 2 of the Criminal Code actually states the principle of non-retroactivity of the criminal law, stipulating that "no one may be punished for an act which, according to the law of the period in which it was committed, did not represent a crime". This provision reaffirms the content of the principle of legality established in art. 25 of the Constitution. Indeed, the Italian criminal and constitutional systems require that in order to sanction a person's conduct there be a law that clearly and specifically provides for the conduct that is being criminalized. Convicting an individual for committing acts that were not incriminated at the time of their commission[16] would in fact be the opposite of a system that protects a person's freedom.

It was stated quite clearly in Italian doctrine (except Marcello Gallo and Marco Siniscalco) the fact that the principle of non-retroactivity of the criminal law does not apply to procedural norms. Therefore, the general principle *tempus regit actum* is applied, according to which the new procedural regulations apply immediately in cases subject to trial on the date of its entry into force, even if the pre-constituted jurisdiction is not changed.

Even in jurisprudence, this principle has been stated on various occasions, arguing that there were no principles of intertemporal law specific to criminal law that could be applied in the procedural system[17].

Moreover, it is clear from the provisions of the successive paragraphs of that article that the basic principle governing the succession of criminal laws in the Italian system is not that of non-retroactivity, but that of favor rei or known as *favor libertatis*, which seeks to ensure that the defendant milder than those provided by criminal law.

The dominant opinion is that the moment to be taken into account, in the case of the succession of criminal laws in time (*tempus commissi delicti*), is that of committing the crime, ie that of conduct, because then the subject violates the legal provisions.

The second paragraph of the same article states that "no one may be punished for an act which, according to a subsequent law, does not constitute a crime; and, if there has been a conviction, its execution and criminal effects shall cease". This paragraph is a case of abrogation criminis. Therefore, it is established that the older criminal law does not over-activate, because it no longer finds its application in the case of crimes decriminalized by the new law. One can speak in this case about the ex tunc effectiveness of repealing an incriminating rule. Indeed, under such assumptions, the repeal has an ex tunc effectiveness that we could define as the legal premise that leads to the removal of the criminal effects of the conviction, as provided by the second paragraph of Article 2 of the Criminal Code.

The reason for this paragraph is anchored in the principle of legality (*nullum crimen, nulla poena sine praevia lege penali*) and is inspired by the principle of maximum protection of the citizen's freedom (*favor libertatis*). Francesco Antolisei supported this principle, stating that every person must

[14] An expression of the Latin language whose meaning is "so and simply." It is used to emphasize that things are like this and that there is nothing complicated to clarify; https://educalingo.com/ro/dic-it/sic-et-simpliciter, 02.11.2021.

[15] Concept, reason.

[16] Mantovani, F.: *Diritto penale, Parte generale*, IV edizione, Cedam, 2001, p. 84: "Enunciated by the Enlightenment, enshrined in the Declaration of the Rights of Man and of the Citizen (1789) and strongly supported by the modern rule of law, the principle of non-retroactivity is a logical complement to the principles *riserva di legge*, and especially the principle of *tassativita*. (https://it.wikipedia.org/wiki/Tassativit%C3%A0), whose purpose would be violated if human behavior would be left to the unknown in future incriminating norms).

[17] Court of Cassation of Italy, United Sections, sentence no. 27919 of 14/07/2011, the document is available online at the adress https://archiviodpc.dirittopenaleuomo.org/d/799-le-sezioni-unite-sul-regime-intertemporale-della-presunzione-di-adeguatezza-della-custodia-cautelar, 02.11.2021.

have the certainty that he will not be subsequently criminally punished for deeds that only under a successive criminal law, at the time of the commission, constitute a crime. It is also anchored in the elementary principle of justice, a principle also supported by Francesco Antolisei, who stated that it would be extremely unfair to punish non-incriminating acts at the time of their commission. The last principle from which the second paragraph of art. 2 of the Italian Criminal Code is that of legal certainty, which was supported by Antonio Pagliaro.

So, the legislator decides and fixes through the first two paragraphs of art. 2 time limits of the criminal law.

If the legislator decides not to repeal a crime, but decides to amend it, in this situation we are facing the succession of criminal laws in time.

In this case, the Criminal Code provides in the fourth paragraph of Article 2 that the most favorable law shall apply, unless an irrevocable decision has been rendered.

The so-called favor rei[18] is raised to the level of a fundamental principle of the legal system, and by derogation from art. 11 of the Provisions on the law in general and the first paragraph of art. 2 of the Criminal Code, provides for the retroactivity of the more favorable criminal law.

This circumstance is predominantly justified by the principle of *favor libertatis*, and as well as the principle of non-retroactivity provided in the first paragraph of art. 2 of the Criminal Code finds its justification precisely in the protection of the person's freedom. For this reason, the alleged formal contrast with Article 25 of the Constitution, which expressly provides for the non-retroactivity of the criminal law, cannot be highlighted. And in fact, according to the most accredited jurisprudence and doctrine, this constitutional principle finds its own ratio precisely in *favor libertatis*, in order to avoid the application of an unforeseen criminal sanction at the time of the act or a more severe sanction than the one established at the time of the crime.

This determines the need, also for reasons of equality, pursuant to Art. 3 of the Constitution to punish in a less severe way those conducts which are sanctioned in a milder manner by a norm which entered into force after the commission of the deed.

The fourth paragraph provides that "if the law of the period in which the offense was committed and subsequent ones are different, the law whose provisions are more favorable to the offender shall apply, unless an irrevocable sentence has been handed down".

These provisions have a very clear complex content which refers to: firstly, to the new incrimination of a deed, secondly to the repeal of a criminal law and lastly to the regulation of a deed which constitutes an offense in all successive laws.

The provisions of the paragraphs of art. 2 indicated above are in accordance with the constitutional provisions, because they refer to the fundamental rights of the citizen. Therefore, according to those stipulated in art. 1 of the Criminal Code, any amendment or derogation requires a revision of the Constitution.

The different criteria used in establishing the most favorable criminal law. The rules provided in the second and fourth subparagraphs of par. (2) does not indicate to us when there is a hypothesis of abrogation or succession, and this task falls to the interpreter.

Often, the legislator confines himself to reformulating criminal acts, sometimes introducing new elements, sometimes eliminating some elements of the typical crime.

The situation gets complicated in cases where the express abolition of an incriminating provision does not lead to the abrogation of the criminal relevance of the prescribed behavior.

In all these hypotheses the question arises of establishing when there is repeal and when there is a succession of very different legal norms.

In this sense, according to the first theory shared by the doctrine until 1980, reference was made to the concrete deed in the sense that the same deed can be punished by both the previous and the subsequent rule, being a case of succession of criminal laws and not by *abrogatio criminis*. This criterion completely neglects the elements of successive criminal sanctions and could be different and

[18] Latin expression that indicates in substantive criminal law the basis of institutions that exclude the existence of crimes or that produce milder effects than those that would normally have taken place.

heterogeneous. However, this theory was the subject of criticism because the retroactive application of the new incriminating rule violated Article 25 of the Constitution[19]. Therefore, this principle is capitalized, which the doctrine and jurisprudence have come to consider insufficient in the theory of the concrete fact[20]. In addition, this theory is based exclusively on factual data not applicable ex ante, on which a boundary between legal and illegal could not be drawn a priori. In this sense, the Court of Cassation established in sentence no. 34622[21] of 16.11.2002 that "contrary to what has sometimes been argued in doctrine and jurisprudence, the problem of differentiating abrogation from amending the previous law cannot be solved only by finding that even after the abrogation of the criminal law which provided a concrete deed is still punished. Of course, there is no question that, after the repeal, a deed that was incriminated would become completely lawful. But the legal issue is not always so simple because it can continue to incriminate the same act under a pre-existing rule, or a new regulation introduced by the new law itself. And if only the theory of the concrete fact were referred to, even in the presence of a succession of heterogeneous cases, the principle of non-retroactivity of the new criminal law would be violated, because importance would be attributed, according to the later law, to facts that were not foreseen before its entry into force. So, it is essential that this comparison is made between abstract cases."

This theory has sometimes been used by jurisprudence as stated in sentence no. 40915[22] /28.10.2003 which provides that "the identification, in a multitude of provisions over time, of the most favorable to the offender, should not be made in the abstract, on the basis of a simple comparison of them, but concretely, by comparing the effects which would result from the effective application of each of them in the case before the court".

Another part of the doctrine and jurisprudence have sometimes referred to the theory of normative continuity which refers to the ways of conduct and the injured legal object.

It is argued that if the legal object protected by the two laws is homogeneous and its ways of aggression are similar, there is a succession of legal norms[23].

Even this theory has been criticized because it may involve the feedback of the constituent elements of the new case, leaving the interpreter a wide margin of application, with a clear violation of the principle of legality.

The theory most used and definitively supported by the United Sections of the Court of Cassation is the one that refers to the structural elements of the case. In this sense, the United Sections of the Court of Cassation ruled in the sentence 25887/16.06.2003[24] that "in the matter of the succession of the criminal laws, in order to be applicable the rule from the third paragraph of art. 2 of the Criminal Code, the deed that constitutes a crime according to the old law must be incriminated by the new law, while the deeds committed before the entry into force of the new law cannot be punished, if it no longer provides for them. This situation must be verified in accordance with the structure of the cases considered by the laws that have succeeded each other over time, without it being necessary, in all cases, to use the evaluation criteria of the protected property or the manner of damage. In fact, Article 2 of the Criminal Code places in the paragraphs that make it up a succession of related rules in a way that clarifies each other, so that to operate the rule provided in the third paragraph must exclude the applicability of the first two paragraphs. It results that an act is sanctioned if it falls within the criteria established by the normative frameworks of the laws, which have followed

[19] Court of Cassation of Italy, United Sections, sentence no. 16/06/2003 n. 25887: "According to the traditional theory, in order to establish whether or not there is a normative continuity, it is necessary to verify the existence of a double incrimination and whether the deed punished by the previous law is provided by the successive law ("Before punished, after punished, so punished"). However, it was correctly contested that it is possible for a specific act to fall under various aspects in the provisions of two successive incriminating rules, the document is available online at the address https://www.altalex.com/documents/news/2004/02/16/cassazione-penale-ss-uu-sentenza-16-06-2003-n-25887, 03.11.2021.

[20] In Italy, this theory circulated unhindered until 1982, when it was seriously questioned by Tullio Padovani in a reference study.

[21] The document is available online at the address https://www.altalex.com/documents/news/2003/02/24/bancarotta-impropria-del-reato-societario-continuita-ed-abrogazione-parziale, 03.11.2021.

[22] Ibid.

[23] This thesis from the doctrine was supported, among others, by Mario Romano.

[24] The document is available online at the address https://www.altalex.com/documents/news/2004/02/16/cassazione-penale-ss-uu-sentenza-16-06-2003-n-25887, 04.11.2021.

one another in time".

In order for there to be a succession of laws in time, it is necessary for the structural elements of the consecutive norms to be identical or to be in a genus-species relationship.

The more favorable provision should not be individualized in the abstract, comparing the rules that follow each other over time in relation to the abstract legislative provision, but it should be individualized in concrete terms, applying all the consequences for the specific case. It should be noted that the Court of Cassation ruled in decision no. 23274/19.05.2004[25] that in determining the more favorable norm for the defendant it is not possible to proceed to the combination of the milder provisions of the new law with those of the previous law, as this would imply the creation of a lex tertia. This would represent a new law different from both the new and the previous law. Therefore, the law most advantageous to the defendant must be fully applied**.** The same court[26] specified that the later rule that replaced the initial provision providing for imprisonment alternatively with the penalty of a fine with that of a fine must always be considered more favorable according to Article 2, fourth paragraph of the Criminal Code.

In a significant ruling[27] on this issue, the Court of Cassation argued that in the matter of the succession of criminal laws, the amendment of the extra-criminal rule indicated by the incriminating provision excludes the punishment of the previous act committed if that rule is complementary to the criminal one. During the examination of this case, the Court considered that Romania's accession to the European Union with the subsequent acquisition of the title of European citizens by Romanians, did not lead to the imputability of the crime of non-compliance with the order of the commissioner to leave the state committed before January 1, 2007, the date of entry into force of the Accession Treaty, as it only led to the abolition of the title of "foreigners".

The title of European citizen did not affect the retroactive application of the order of the commissioner to leave the territory of Italy.

3. Conclusions

In Italy, the more favorable criminal law is fully applied, as it is not possible to apply it on autonomous institutions, because, as the Romanian Constitutional Court[28] maintains, the judge would end up legislating by creating a lex tertia[29].

If the older law provides for a special higher maximum and a lower special minimum, and the new law introduces a milder maximum and a higher minimum, the older or later law will apply, depending on the judge who intends to apply in the concrete case a punishment between the special minimum and maximum. However, in Italian doctrine[30] it has been stated that if the new law provides for a lower maximum, but adds a safety measure, the previous law will apply.

Therefore, the establishment of the more favorable criminal law will be done in concrete, being milder the one that provides an easier sanctioning treatment for the defendant.

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[25] The document is available online at the adresshttp://www.italgiure.giustizia.it/xway/application/nif/clean/hc.dll?verbo=attach&db=snpen&id=./20160630/snpen@s10@a2016@n26778@tS.clean.pdf, p. 21, 05.11.2021.

[26] Decision of the Court of Cassation of Italy 33397/12.08.2008 apud. Decision of the Court of Cassation of Italy 37837/28.07.2017, the document is available online at the address http://www.italgiure.giustizia.it/xway/application/nif/clean/hc.dll?verbo=attach&db=snpen&id=./20170728/snpen@s30@a2017@n37837@tS.clean.pdf, 05.11.2021.

[27] Court of Cassation of Italz, United Sections, n. 2451/ 16.01.2008, the document is avaible online at adress https://www.altalex.com/documents/massimario/2008/02/13/immigrazione-successione-leggi-penali-nel-tempo-cittadini-rumeni, 05.11.2021.

[28] Decision of the Constitutional Court of Romania no. 265/06.05.2014.

[29] The document is avaible online at the adress https://www.altalex.com/documents/massimario/2008/02/13/immigrazione-successione-leggi-penali-nel-tempo-cittadini-rumeni, http://www.italgiure.giustizia.it/xway/application/nif/clean/hc.dll?verbo=attach&db=snpen&id=./20160630/snpen@s10@a2016@n26778@tS.clean.pdf, pag. 21, 05.11.2021.

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