

ABSTRACT

The research project aims to examine the institution of adoption both from a social perspective and from a legal standpoint.

The institution is in its infancy although it is presented as an institution without a care towards children character, finding its origin in the legal systems of antiquity, in particular into Greek and Roman, has become over time particularly in modern law school is a great interest by the doctrine and jurisprudence thus contributing to its development.

The adoption of a special type has been introduced for the first time in our legal system in 1967 with Law No 431, assuming a highly innovative, even several authors have argued that it is a real Copernican revolution.

The process started with the introduction of special adoption has found another moment of particular importance with the Law 184, 1983.

After twenty years has, on the stage of national law by Law No 149 of 2001, legislation that has only partially modified the previous Law 184, 1983, thus placing itself in terms of continuity with respect to the latter, in fact the Law 149 did not arise, therefore, the objective of protection of fundamental rights of the child but merely to amend partially the Law 184 to adapt the institution to the social and cultural transformations of the last two decades and the changing perception of the positive rights of the child.

With a view to protecting the rights of children have also changed the rules on access to information on the origins of the adoptee.

The new rules were introduced by replacing Article 28 of the previous legislation with Article 24 of Law No 28 March 2001 149. It should be noted that Article 28 of Law 184, protected in an absolute manner the origins of the child, which was adopted was not to be mentioned in any certificate of civil status.

Thanks to Law 149 that the emphasis should be placed in the psychoanalytic literature, to the knowledge of their biological origins as part of construction of the identity of the individual.

Another important milestone was achieved thanks to the New York Convention of 20 November 1989 and the Strasbourg Convention of 1996 not

only recognized the child the right to listen to the call expressed in Article. 12 of the Convention in New York, but have indicated, promoted and made feasible the realization of the right of full participation of the child processes that affect depending on the ability to discern it.

This paper is divided into three chapters addressing the issue adopted by both legal point of view, both from the social point of view.

The first chapter will be devoted entirely to the historical evolution of the institution of adoption, from its origins to the present day, while the following chapters will be devoted to an analysis of the adoption and application of the institution in the world today.