THE CRIME OF ELECTORAL POLITICAL - MAFIA EXCHANGE:
DISCIPLINE, CRITICAL ISSUES AND REFORM

Federica LO PRETE*

ABSTRACT: The mafia is characterized by the ability to take root in the social context, creating areas of nearness that are indispensable to the strategies and purposes of it. In order to counteract these areas of nearness, the legislator has introduced a new and autonomous case: the crime of electoral political - mafia exchange governed by art. 416 ter penal code.
The purpose of this study is to analyze the legal aspects related to this crime by examining the decisions of the Italian Supreme Court and the complex parliamentary process that led to the law reform of 2014.
The law reform of 2014 has introduced important law innovations that affect many aspects of this crime, changing the physiognomy of the law itself.
The results of the study show the importance of disrupting these areas of nearness between policy and mafia starting from the moment in which the actors of the agreement are put at each other’s disposal, taking note of the process that led to the evolution of organized crime.
The aim of the case study mentioned above is to untie the connection nodes of mafia networks and moreover to firmly punish contacts between politicians and mafia gangs.

KEYWORDS: policy, institutions, collusions, crime of political exchange electoral - mafia.
JEL CODE: K42

* PhD student in Theory of law and European legal and economic systems, University "Magna Graecia", Catanzaro (ITA) Department of Laws, History, Economics and Society, ITALY.