

**Tesi di Dottorato
in Diritto Canonico**

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Ligo Mathew: *The Clerical Sexual Abuse of Minors and the Role of the Diocesan Bishop. In Light of the Norms Promulgated by the Catholic Bishops Conference of India*, Rome 2018. Moderator: Claudio PAPALE

The problem of clerical abuse of minors and its alleged cover up by the ecclesiastical authorities has even questioned the advisability of continuing the revered ecclesiastical discipline of clerical celibacy. This research presents the substantive norms on clerical sexual abuse of minors and how bishops should respond in such matters. The work is divided into three chapters. The first begins with an analysis of canons 2357-2359 of CIC 1917 and examines the Magisterial documents. The second chapter explains the role of the bishop at various stages of the case, before and after the preliminary investigation, in protecting the rights of the alleged offender. The final chapter intends to make a critical evaluation of the norms promulgated by the Catholic Bishops Conference of India.

MADZIAKAPHWA Israel Nickel: *'Supplet Ecclesia' in the Canonical Discipline. A Study of Can. 144*, Rome 2018. Moderator: Elias FRANK

The author explores the historical development of the provision *supplet Ecclesia*; starting from the Roman Law, through the time of Gratian to the decretals and their glossators, and finally to its first appearance in the code. Then, ample space is dedicated to understand the meaning of the provision, and its application in concrete. The author offers an in-depth analysis of the can. 144, § 1 and its varied application in § 2. The study also intends to highlight that the provision was adopted into the Church legislation for two motives: the common good of all affected by the lack of jurisdiction and for the salvation of souls which is the ultimate end of all laws in the Church.

ADJITTIN Guy Stéphane : *La mission des légats pontificaux au service de l'Église. Une approche juridique des facultés dans les territoires de mission, cas de la Côte d'Ivoire*, Rome 2018. Modérateur : Giacomo INCITTI

Le thème de la recherche s'est voulu un cadre juridique de réflexion pour un approfondissement de la figure des représentants du pape dans le contexte actuel de l'Église. Pour ce faire, l'auteur dans une première partie a décrit l'histoire et l'évolution juridique des légats pontificaux jusqu'au Motu proprio *Sollicitudo Omnium Ecclesiarum*. Le second chapitre se concentre sur la discipline qui régit les légats dans la législation actuelle pendant que le chapitre troisième prend en considération la spécificité des facultés qui leur sont concédées dans les territoires de mission. Enfin le dernier chapitre de ce travail s'articule autour d'une mission bien circonscrite en Côte d'Ivoire depuis les origines jusqu'à nos jours en y décrivant la praxis et en proposant quelques perspectives.

D'SA Maxim Santosh: *Pastoral Care of Mixed Marriage Families in the Agra Ecclesiastical Region. Challenges and Response*, Rome 2019. Moderator: Elias FRANK. (Excerpt published).

The first chapter studies the gradual change in the Church discipline on mixed marriage from a rigorous to a more pastoral caring attitude; thanks to the Second Vatican Council. The study presents many changes brought about by the Magisterium with regard to mixed marriages. The kernel of the study is the second chapter: the author has done a thorough research of the socio-ecclesial situation, to understand the reasons for and pastoral challenges arising from mixed marriages, in the Agra Ecclesiastical Region. Mixed marriage, in this work, is intended in the strict sense only. The purpose of the work being to find a way forward with regard to safeguarding the faith of the Catholic faithful, the third chapter offers proposals for the pastoral care of families in mixed marriage, in the mentioned region. The thesis presents the Post Synodal Exhortation *Amoris Laetitia* as a very useful document for the stated purpose.

D'SOUZA Sunil Kumar: *Dispensation from the Canonical Form in Mixed Marriage. Pastoral Challenges and Prospects*, Rome 2019. Moderator: Elias FRANK. (Excerpt published).

The dissertation studies in depth the historical development of the legislation on mixed marriage, understood in its broader sense. The focus of the study being

‘dispensation from the canonical form’ in cases of mixed marriage, a thorough research is done on the origin and application of the canonical form in the life of the Church. The study has Indian context as its object where 97% of the population is non-Christian. Christians are below 3% of the total population; among these, 64% are Catholics, while others belong to Protestant and other Christian denominations. Consequentially, the author investigates on what is to be done before and after granting the said dispensation; in what form the marriage in question is to be contracted; the responsibility of the sacred ministers and finally what pastoral benefits can be drawn from it.

LEZLIE Alphonse Merlin Rengith Ambrose: *Right of Defence an Essential Element in the Marriage Nullity Process*, Rome 2019. Moderator: Ernest B.O. OKONKWO

In the process of marriage nullity cases, the right of defence, which runs throughout, plays a significant role. The scope of the study is to highlight its practical application, rather than the theoretical and juridical significance. This research is realized in three chapters. The first chapter deals with the conceptual clarification of the right of defence, its significance, functions, foundation and its various dimensions. The second chapter focuses on the right of defence in two stages of the marriage nullity process (the static stage of the trial and the dynamic stage of the process). The third chapter is devoted to the analysis of the Rotal jurisprudence and the principles exploring the changes made by the M.p. *Mitis Iudex Dominus Iesus* in the ordinary process.

JOSEPH Anthony: *The Credibility of Witnesses in the Marriage Nullity Trials*, Rome 2019. Moderator: Ernest B.O. OKONKWO. (Excerpt published).

Every judge has the arduous task of deciphering and declaring the truth of the fact when spouses impugn the validity of their marriage. This study examines the canons of the Latin code and the articles of *Dignitatis connubii* on admissibility, examination and credibility assigned to the testimonies of witnesses in a matrimonial trial. The first chapter explores the evolution of the role of witnesses in trials and the second focuses the procedure of admissibility and examination of witnesses. The last chapter presents the probative value of the testimonies of credible witnesses.

LEE Gyuyong: *L'incardinazione del chierico separato dall'istituto religioso a norma dei cann. 693 e 701 del CIC 1983: problematiche e prospettive*, Roma 2019. Moderatore: Lorenzo LORUSSO

È stato affrontato in questo lavoro il tema dell'incardinazione del chierico separato dall'istituto religioso, sia con l'indulto di uscita a norma del canone 693, sia con la legittima dimissione a norma del canone 701. Il primo capitolo tratta dello sviluppo storico dell'istituto dell'incardinazione dai primi concili fino al codice attuale. Il secondo capitolo analizza l'iter di formazione dei due canoni scelti e il terzo infine ha preso in considerazione la normativa attuale nella situazione giuridica del chierico separato suddividendo la presentazione tra l'uscita volontaria e la dimissione con le loro rispettive problematiche.

Djossou Bertrand Nicaise Kocou : *Le presbyterium diocésain de l'Église Famille de Dieu. Une approche africaine entre Ecclésiologie et Droit*, Rome 2019. Modérateur : Giacomo INCITTI

Cette recherche se situe à la croisée de l'Ecclésiologie et du Droit canonique mettant en exergue l'interdisciplinarité. C'est une relecture de la notion théologique et juridique du presbyterium diocésain à la lumière de la récente réflexion basée sur l'Eglise Famille de Dieu, née du premier synode africain. En un premier temps, l'auteur a décrypté ce concept avant de le comparer avec d'autres modèles ecclésiologiques dans le chapitre qui suit. Le troisième chapitre aborde la question des relations dans le presbyterium (évêques/prêtres ; prêtres entre eux). Enfin la dernière partie du travail est consacrée à la question de la place du presbyterium dans le gouvernement de l'Eglise diocésaine sous la forme ou de la coresponsabilité ou d'un gouvernement synodal.

SIMMERMACHER Maria Vergine Dei Tramonti: *L'ecclesialità della vita consacrata nel dibattito post-conciliare*, Roma 2019. Moderatore: D'AURIA Andrea. (Estratto pubblicato).

Dal canone 207 ha preso spunto questo lavoro per affrontare il tema dell'ecclesialità della vita consacrata nel dibattito post-conciliare. Nella prima parte della riflessione, l'autrice ha messo in risalto la problematica degli istituti secolari avvalendosi del contributo di San Tommaso e rilevandone qualche incongruenza nell'ambito teologico e in particolare giuridico, partendo da un percorso storico

che inizia dal codice del 1917 fino al magistero di Pio XII. Nella seconda parte, i testi conciliari sono stati studiati assieme al codice attuale. Si è trattato anche di prendere in considerazione l'ecclesialità dello stato religioso o dello stato di perfezione oppure dello stato di vita consacrata nel corso degli anni evidenziando qualche punto complesso che occorre chiarire.

AROCKIASAMY George Santhanaraj: *The Administrative Penal Process in the Code of Canon Law. A Brief Historical and Juridical Examination*, Rome 2019. Moderator: Claudio PAPAŁ. (Excerpt published).

In order to “correct” those who violate the faith, communion and justice, there have been courts and trials from the very beginning of the Church. It is the competent authority that decides the penal procedure to be followed to inflict the penalty. This work, spread into three chapters, studies the procedures. The first chapter focuses mainly on the infliction of penalty *extra-iudicium* in CIC 1917. The second is completely dedicated to the administrative penal process in the CIC 1983; it particularly concentrates on the juridical implication of can. 1720. The third describes the extra-judicial penal process in delicts reserved to the Congregation for the Doctrine of the Faith.

BAKORBA Epiboué Marguerite : *Le droit à la bonne réputation et à l'intimité dans la formation et la vie des religieux au sens du canon 220. Une attention particulière pour les Instituts religieux au Burkina Faso*, Rome 2019. Modérateur : Andrea D'AURIA. (Extrait publié).

La thèse prend en compte dans son originalité tous les deux droits énoncés au canon 220 et les appliquent aux réalités liées à la formation des religieux et à leur vie fraterne en communauté. A cet effet, l'autrice dans une première partie fait une approche analytique du canon en question approfondissant en deux chapitres successivement la terminologie et le caractère interdisciplinaire de la problématique et son contenu. Dans une seconde partie, il s'est agi de souligner les problèmes soulevés par la norme à appliquer dans le domaine de la formation. Et enfin la disposition canonique sera évaluée en relation avec la vie fraterne dans les communautés religieuses au Burkina. Tout le souci de cette réflexion est de stimuler un témoignage évangélique des religieux, gage de crédibilité pour leur mission.