



“ECOLOGICAL PROPERTY” AS A FUNDAMENTAL HUMAN RIGHT

This paper analyzes the evolution of the right to property in light of the growing importance of environmental protection, strengthened in Italy by the 2022 constitutional reform of Articles 9 and 41 of the Constitution. In this context, private property is reinterpreted according to the principle of the social function established by Article 42 of the Constitution, acquiring a dimension increasingly oriented toward environmental protection. The paper examines the main legal instruments that implement this ecological function of property, such as environmental constraints (regulatory and expropriatory), civic uses, and destination constraints provided by Article 2645-ter of the Civil Code. These legal mechanisms contribute to shaping a new paradigm of property, no longer conceived as an absolute right, but as a right oriented toward the protection of the environment and the pursuit of collective interests.