Adriano Buzzanca[1]

THE STATE ARCHIVE AS A TREASURE TROVE OF MEMORY IN A DYNAMIC SENSE

Abstract

Purpose: *The article examines judicial archives held in the State Archives as documentary heritage of both legal-institutional and historical-archival significance. It aims to address their management within the digital transformation of justice, considering records creation, file management, preservation, digitisation of analogue records, and access as interconnected stages of a single records process.*

Methods/Approach: *The article adopts a conceptual and descriptive approach to judicial archives, discussing the technical and legal requirements governing records creation and preservation. Particular attention is given to the archival bond and the relationships connecting records in the archives of public institutions and private creators.*

Results: *Judicial archives document the activities of judicial offices, civil, criminal, and administrative proceedings, judicial decisions, and the exercise of the State's judicial function. The archival bond is more readily apparent in public institutions subject to detailed technical and legal requirements, but it also characterises archives created by private institutions, companies, families, and individuals. These internal relationships connect records generated for the practical purposes of their creators. Access to judicial records serves research, administrative, and personal needs and is governed by internal regulations.*

Discussion and conclusions: *The archival bond remains a defining characteristic of every archive, regardless of the creator's institutional status or how clearly the relationships between records are visible. The digital transformation of justice calls for an integrated approach to judicial archives that connects records creation and management with preservation, digitisation, and access while maintaining the relationships that give records their archival context.*

Keywords: *cultural heritage, digitisation, State Archives, judicial archives, archival bond.*

[1] Adriano Buzzanca, Ph.D., Director of the State Archive of Bari, email: adriano.buzzanca@cultura.gov.it.

DRŽAVNI ARHIV KOT DINAMIČNA ZAKLADNICA SPOMINA

Izvleček

Namen: *Prispevek obravnava sodno arhivsko gradivo, ki ga hranijo državni arhivi, kot dokumentarno dediščino s pravno-institucionalnim ter zgodovinsko-arhivskim pomenom. Njegov namen je obravnavati upravljanje tega gradiva v okviru digitalne preobrazbe pravosodja, pri čemer so nastajanje dokumentov, upravljanje spisov, hramba, digitalizacija analognega gradiva in dostop medsebojno povezane faze enotnega procesa upravljanja dokumentov.*

Metode/pristop: *Prispevek temelji na konceptualnem in opisnem pristopu k sodnemu arhivskemu gradivu ter obravnava tehnične in pravne zahteve, ki urejajo nastajanje in hrambo dokumentov. Posebna pozornost je namenjena arhivski vezi in povezavam med dokumenti v arhivskem gradivu javnih ustanov in zasebnih ustvarjalcev.*

Rezultati: *Sodno arhivsko gradivo dokumentira delovanje sodnih organov, potek civilnih, kazenskih in upravnih postopkov, sodne odločitve ter izvajanje sodne funkcije države. Arhivska vez je izrazitejša pri javnih ustanovah, za katere veljajo podrobne tehnične in pravne zahteve, vendar je značilna tudi za arhivsko gradivo zasebnih ustanov, podjetij, družin in posameznikov. Te notranje povezave povezujejo dokumente, ki nastajajo za praktične potrebe njihovih ustvarjalcev. Dostop do sodnega gradiva je namenjen raziskovalnim, upravnim in osebnim potrebam ter ga urejajo notranji predpisi.*

Razprava in sklepi: *Arhivska vez ostaja temeljna značilnost vsakega arhiva ne glede na institucionalni položaj ustvarjalca ali izrazitost povezav med dokumenti. Digitalna preobrazba pravosodja zahteva celovit pristop k sodnemu arhivskemu gradivu, ki povezuje nastajanje in upravljanje dokumentov z njihovo hrambo, digitalizacijo in dostopom ter ohranja povezave, ki dokumentom zagotavljajo arhivski kontekst.*

Ključne besede: *kulturna dediščina, digitalizacija, državni arhivi, sodno arhivsko gradivo, arhivska vez.*

L'ARCHIVIO DI STATO COME SCRIGNO DELLA MEMORIA IN UNA PROSPETTIVA DINAMICA

Abstract

Obiettivo: *Il contributo esamina gli archivi giudiziari custoditi presso gli Archivi di Stato, evidenziandone l'importanza sotto il duplice profilo giuridico-istituzionale e storico-archivistico. L'obiettivo è mettere in relazione la funzione della documentazione giudiziaria nella tutela dei diritti e nell'esercizio delle attività istituzionali con il suo valore storico, considerando le esigenze poste dalla trasformazione digitale della giustizia.*

Metodo/approccio: *Il contributo propone una riflessione concettuale e descrittiva sulla documentazione giudiziaria, dalla fase di utilizzo corrente all'individuazione dei documenti destinati alla conservazione permanente. L'approccio considera la formazione del documento, la gestione del fascicolo, la conservazione, la digitalizzazione del patrimonio analogico e l'accessibilità come componenti interconnesse del processo documentale.*

Risultati: *Gli archivi giudiziari documentano l'attività degli uffici giudiziari, lo svolgimento dei procedimenti civili, penali e amministrativi, le decisioni dell'autorità giudiziaria e l'esercizio della funzione giurisdizionale dello Stato. La documentazione costituisce uno strumento indispensabile per lo svolgimento delle funzioni istituzionali e la tutela dei diritti. Superata la fase di utilizzo corrente e individuati i documenti destinati alla conservazione permanente, essa assume un rilevante valore come fonte per la ricostruzione della storia delle istituzioni, della società e della cultura giuridica del Paese.*

Discussione e conclusioni: *La trasformazione digitale della giustizia richiede una gestione integrata degli archivi giudiziari, nella quale formazione, gestione, conservazione, digitalizzazione e accessibilità siano considerate fasi di un unico processo documentale. Questa prospettiva collega le esigenze istituzionali della documentazione con la sua conservazione permanente e il suo valore come patrimonio storico e archivistico.*

Parole chiave: *patrimonio culturale, digitalizzazione, Archivi di Stato, archivi giudiziari, vincolo archivistico.*

1 INTRODUCTION

Since ancient Greece and Rome, the consultation of documentation for legal-administrative purposes has been posed, while that for study purposes was episodic (Polybius, Tacitus, Suetonius, etc.) (Cencetti, 1940).

Even Virgil, in the Georgics, speaks of the consultations of the tabularies as one of the signs of tumultuous city life, in contrast to the quiet of the fields: "[...] nec ferrea iura / insanumque forum aut populi tabularia vidit" (The end of the golden age, book II, 501–502,). Private individuals could ask for certified or simple copies of documents for legal purposes. In the Middle Ages, with the age of the Communes, the free consultation of all the documents preserved in the municipal archives was affirmed, as can be deduced from the statutes of many municipalities in central-northern Italy.

Following the well-known events of the French Revolution, in art. 37 of the law of 7 messidor year II (25 June 1794), the principle of the free consultation of documents for the protection of citizens' rights was reaffirmed.

In Italy, the Cibrario Commission, immediately after the Unification, recognized the right of citizens to consult the so-called ancient part of the archives, a principle that was not provided for the modern part, in order to prevent consultation from becoming an instrument of abuse, with the right of the Ministry to limit its admission to consultation. The aforementioned principles relevant from a historical point of view seem to be relevant again.

If the documentation is kept by public assistance institutions, they are subject to the principles set out in Legislative Decree no. 42/2004 which generate, for the applicant, enhanced protection due to the public control exercised by the institutions responsible for supervising the protected assets pursuant to art. 10, paragraph 1, Legislative Decree no. 42/2004.

In this regard, it should be noted that the documents preserved in the State Archives and in the historical archives of regions, other local public bodies and other public bodies and institutions are freely available for consultation, except for those declared confidential pursuant to art. 125 for which the so-called declaration of confidentiality has been issued and those relating to the foreign and domestic policy of the State, which become available fifty years after their date.

Pursuant to art. 122 of the Cultural Heritage Code, documents relating to sensitive data and data relating to criminal measures expressly indicated by the legislation on the processing of personal data, become available forty years after their date, and seventy years if the data relate to the state of health, sexual life and confidential family relationships; for certificates of assistance in childbirth, the term of segregation is increased to one hundred years.

This provision highlights that the consultation of archival documents admits some limits, especially for those documents with an internal office or personal character not intended for dissemination to the public.

A significant challenge in digitization is balancing historical document authenticity with personal data protection (Buzzanca, 2023). This necessitates aligning European and national data protection laws with cultural heritage legislation.

Regarding archive access and confidentiality, the cultural heritage code specifically addresses State and public body archives. Restrictions apply to confidential documents (accessible after 50 years) and those containing sensitive or criminal data (accessible after 40 or 70 years, depending on the nature of the data). Prior to these terms, access is governed by administrative document access regulations. These provisions also apply to private archives and documents in State or public body archives.

The forms of private participation in the cultural heritage sector can take different configurations that can be traced back to various hypotheses, such as, for example, additional services, sponsorships, donations. The public, on the other hand, participates in the management and enhancement of those cultural assets of the private owner through the use of conventions for public use and various consensual instruments, including, to name a few by way of example, collaboration agreements, negotiated programming, memoranda of understanding, organizational and program agreements, to which private owners can also join. The State, through the aforementioned negotiation tools, allows the private owner of the asset to access public subsidies for the rehabilitation of the cultural property, so that the cultural asset is enhanced through public support and ad hoc regulations for the purpose of public use by the community

2 THE ARCHIVAL RELEVANCE OF JUDICIAL ARCHIVES KEPT AT THE STATE ARCHIVES

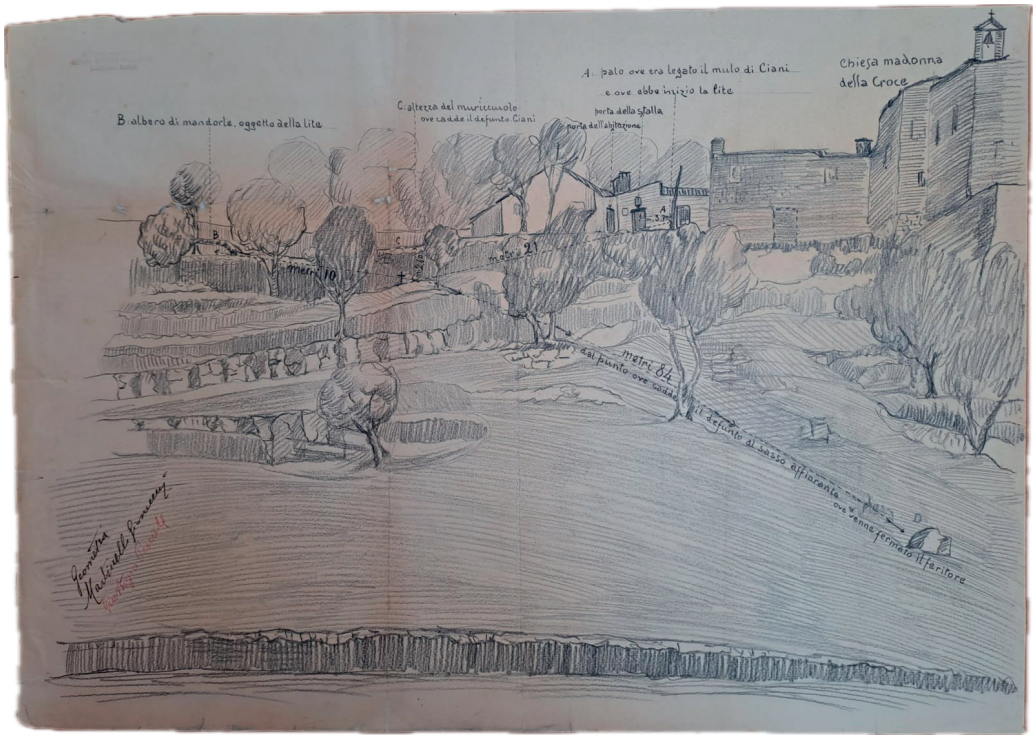
The archival value of the judicial documentation, kept in the State Archives, derives first of all from its ability to represent, in an organic and contextualized way, the activity of the judicial offices and the exercise of the judicial function.

The Code of Cultural Heritage and Landscape, referred to in Legislative Decree no. 42 of 22 January 2004, expressly recognises the nature of archives and individual documents of the State and public bodies as cultural heritage. Art. 10, paragraph 2, letter b), in fact includes among cultural assets "the archives and individual documents of the State" and those of other public bodies.

It follows that judicial documentation cannot be considered exclusively according to the operational needs of the office that produced it. It must also be preserved as evidence of the activity of public institutions and their evolution over time.

From an archival point of view, the original link that connects the documents to the procedure and the office that produced them is of particular importance. Proper conservation must therefore safeguard not only the individual document, but also the relationships that link it to the other documents in the file and to the archival series to which it belongs.

Digitization, therefore, should not be understood as a simple scanning operation, but as a process aimed at preserving, together with the image of the document, also its archival context, through appropriate metadata, collation structures and information relating to the provenance and formation of the document.



Pencil drawing of the crime scene. *(Minervino 1933 Court of Assizes b. 24 fasc. 256 Judicial Archives of the State Archives of Bari)*

3 DIGITIZATION AND PRESERVATION OF JUDICIAL MEMORY

A specific and particularly significant area is represented by the digitization of the acts of the processes of whose documents are of historical interest.

The Ministry of Justice and the Ministry of Culture have officially renewed the Memorandum of Understanding for the digitization of processes of historical interest relating to terrorism, massacres, political violence and organized crime, as part of the Network of Archives so as not to forget. The initiative aims to preserve the memory of important procedural events and the future consultation of documentation through digital archives (Ministry of Justice, 2026a).

In this context, digitization performs a function that goes beyond administrative efficiency: it becomes a tool for the protection of institutional and collective memory (Borgesano et al. 2025).

In fact, judicial archives make it possible to study not only the history of law and the judiciary, but also social, economic and political phenomena, offering often unique documentation on the ways in which institutions have dealt with events relevant to national history.

An organic project for the digitization of judicial archives should be based on a prior archival and legal analysis.

In particular, it is necessary to ensure:

1. recognition and census of the documentation, with identification of the series, files and related details;
2. archival selection and evaluation, distinguishing documentation intended for permanent conservation from that subject to discarding according to applicable regulations;
3. sorting and description, preventing digitization from simply producing large quantities of images without context;
4. quality digital acquisition, through technical parameters appropriate to the nature of the documents;
5. quality control, aimed at verifying completeness, legibility and correspondence with the originals;
6. metadating, to allow identification, search, linking and management of the document;
7. integrity and authenticity, through procedures suitable for documenting the origin and operations carried out;
8. long-term digital preservation, with systems capable of coping with technological obsolescence and deterioration of supports;
9. security, especially considering the presence of personal data and particularly sensitive information;
10. management of access, differentiating the operational needs of the administration from the forms of consultation allowed to interested parties, scholars and the public. (MiC, 2022)



Restored poster found at the home of one of the defendants for the explosion of a bomb in Peschici (Fg) 1946 *(Court of Assizes b. 181 fasc 1328 Judicial Archives of the State Archives of Bari).*

The AgID Guidelines expressly highlight that the storage system must guarantee access to the objects stored for the period provided for and must also provide for periodic checks of integrity and readability, as well as measures against the obsolescence of systems and formats.

4 FROM DOCUMENT MANAGEMENT TO DIGITAL PRESERVATION

Digital preservation does not coincide with the simple saving of files on computer media.

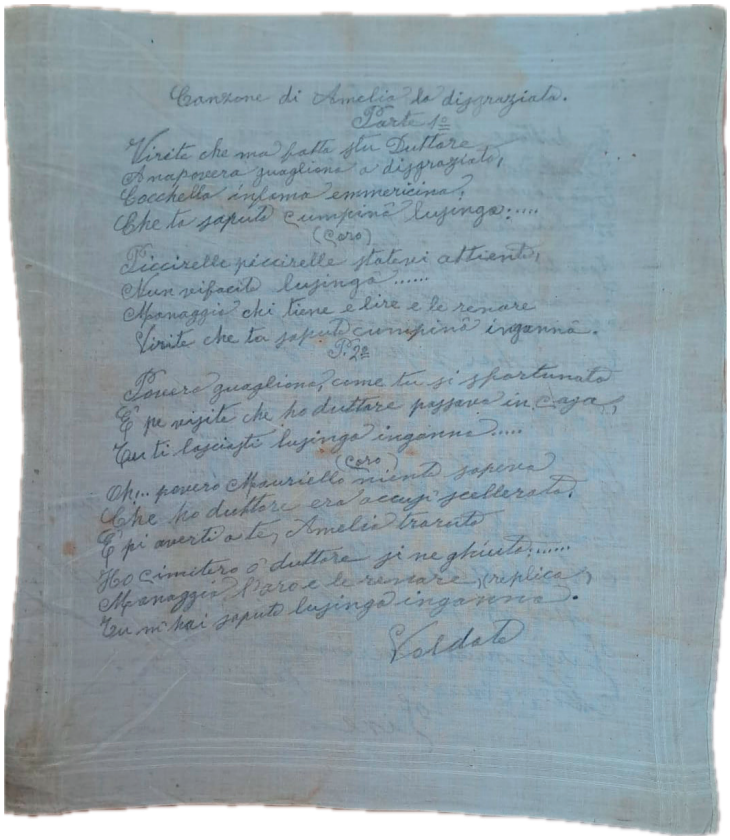
According to the Agency for Digital Italy (AgID), the storage system must guarantee the characteristics of authenticity, integrity, reliability, legibility and availability of electronic documents over time (AgID, 2020b; MiC 2022).

The AgID Guidelines (2020b) on the formation, management and storage of electronic documents represent the main technical-organizational reference for the management of the digital document life cycle. They govern, among other things, formation, registration, management, metadata, formats, transfer and storage. The Guidelines were adopted pursuant to art. 71 of the CAD and published in the Official Gazette in 2020 Mic, 2020).

Conservation must therefore be considered already in the document formation and management phase. In fact, the Guidelines underline the need to pay attention to conservation aspects from the creation of the document and provide for the transfer of files and documentary series to the preservation system according to defined procedures (Ministry of Justice, 2025).

Hence the need to clearly distinguish (Crespo & Viñas, 2025):

1. digitization, transformation of analogue documentation into digital representations;
2. document management, i.e. organisation and management of documents during administrative and judicial activity;
3. digital preservation, i.e. a set of procedures and systems intended to maintain the legal, archival and technical characteristics of documents over time;
4. access and use, which must be carried out in compliance with the rules on access to documents, confidentiality and protection of personal data.



Canzone di Amelia la disgraziata.

P.te 1a

Virite che ma fatta stu Dottore,
Anapocera guagliona a disgraziata,
Cocchella infama emmericina,
Che ta saputo cumpirnè lusinga:....
(coro)
Piccirelle piccirelle statevi attienti,
Nun vi facite lusinga .....
Mpanaggia chi tiene e lire e le renare
Virite che ta saputo cumpirnè inganna.

P.te 2a

Povera guagliona come tu si sfortunata
E pe visite che pe duttore passava in casa,
Tu ti lasciaste lusinga inganna....
(coro)
Oh... povero Mauriello mio sapeva
Che pe duttore era accusi scellerato,
E pi averti a te, Amelia trarito
Ho cimitero o duttore si ne gghiuto.....
Mpanaggia Pizzo e le renare (replica)
Tu mi hai saputo lusinga inganna.

Soldato

Cotton handkerchief on which is transcribed the "Song of Amelia" the unfortunate" with a coded message with which the defendant Savino Mauro commissioned a murder, Bari 1901. *(Court of Assizes b. 317 fasc 199. Judicial Archives of the State Archives of Bari).*

5 PUBLIC-PRIVATE COOPERATION IN THE ARCHIVAL SECTOR

In recent decades, there has been extensive use by the public administration of consensual forms, including in the field of cultural heritage, forms that can be traced back, in the legal system, to variously named forms of negotiation, such as agreements or contracts, conventions, pacts, understandings, protocols and so on, all inherent to consensuality as an expression of bilateral or plurilateral legal autonomy. It is an action aimed at carrying out the interest of the parties, with regard to the composition of their respective interests.

This applies not only to the sphere of relations between public administrations, but also to the area of relations between public bodies and private entities, since the latter are allowed to participate in the agreements in question, as well as to sign *ad hoc agreements*.

However, if in relation to the protection of cultural heritage, the private individual is only a passive subject, in relation to the enhancement, he can become an active subject for the reasons illustrated above. In this regard, the Code provides for the possibility of resorting to the stable and organized establishment of resources, networks and structures, as well as technical skills, financial or instrumental resources aimed at promoting knowledge of cultural heritage, thus ensuring better conditions for the use and public enjoyment of the assets.

Due to the scarce availability of financial resources, both public and private, cultural heritage policies have developed precisely towards an entrepreneurial management of cultural heritage, with a view to greater cooperation between the public and private sectors. In particular, relations between public administration and private individuals now assume a multilateral structure, in which, in addition to the public interest, the interest of the private owner and the interest of the community, other interests also appear, such as those of private financiers.

The forms of participation of private individuals in the cultural heritage sector can take different configurations that can be traced back to various hypotheses, such as, for example, additional services, sponsorships, donations as well as agreements between administration and private individuals.

On the one hand, the public part participates in the management and enhancement activities of the private owner's cultural heritage, through the use of agreements for public use and various consensual instruments including, to name a few by way of example, collaboration agreements, negotiated programming, memoranda of understanding, organizational and program agreements. Through these negotiation tools, the State allows the private owner, the owner of the property, to access public subsidies for the rehabilitation of the cultural asset and consequently the cultural asset is enhanced through public support and *ad hoc regulation*, for the purposes of public usability. On the other hand, the role of private individuals becomes increasingly important, even in the case of urban recovery and redevelopment interventions in which cultural heritage is considered an instrument of

social and economic development: in this context, the enhancement of cultural heritage takes on an extended meaning, because it is inserted in the relationships between society and territorial identities.

In other words, a strong link is created between the *quantum* of public support and the relevance of the asset, so as to make the latter profile the only element that can be used when determining the commitment deriving from the public intervention.

6 CONCLUSIONS

Judicial archives represent a heritage of particular importance for the State, as they simultaneously ensure the documentation of judicial activity, the protection of rights, the legal certainty of acts and the preservation of the historical memory of institutions.

The Italian regulatory framework recognizes the nature of public archives as cultural heritage and, at the same time, regulates the electronic document and its conservation.

The recent digitization activities promoted by the Ministry of Justice, including those relating to the millions of judicial files and the acts of trials of historical interest, confirm the centrality of the digital transformation process of justice.

The real challenge, however, is to ensure that digital transformation is not limited to the conversion of paper into electronic format but ensures the continuity of the archival and legal value of documentation. To this end, each intervention must preserve the relationship between document, file, procedure and producer, ensuring authenticity, integrity, legibility, availability and possibility of verification over time.

The digitization of judicial archives must therefore be interpreted as an investment not only in the efficiency of justice, but also in the protection of the State's documentary heritage and in the preservation of the country's legal and institutional memory. Finally, these processes can also be implemented through projects carried out between public-private cooperation.

REFERENCES

AgID – Agenzia per l'Italia Digitale. (2020a). Documentation regarding the preservation system and document management, with reference to the requirements of authenticity, integrity, reliability, readability, and retrievability.

AgID – Agenzia per l'Italia Digitale. (2020b). Guidelines on the creation, management, and preservation of electronic documents, adopted pursuant to Article 71 of the CAD. Retrieved from https://trasparenza.agid.gov.it/page/29/details/38/linee-guida-sulla-formazione-gestione-e-conservazione-dei-documenti-informatici.html (accessed on 2. 10. 2026).

Alibrandi, T., and Ferri, P. G. (1987). Cultural and environmental heritage in administrative law. In Digesto delle discipline pubblicistiche (Vol. II, p. 223). Torino.

Borgesano, F., De Maio, A., Laghi, P., and Musanno, R. (2025). Artificial intelligence and justice: A systematic literature review and future research perspectives on Justice 5.0. *European Journal of Innovation Management, 28*(11), 349–385. DOI: https://doi.org/10.1108/EJIM-01-2025-0117.

Buzzanca, A. (2019). The enhancement of private cultural heritage: Statutory profiles. Roma: ESI.

Buzzanca, A. (2023). The right to be forgotten between the right to report, the historical re-enactment of the news and the obligation to protect cultural heritage. *Ambiente Diritto, 3*, 154–166. Retrieved from https://www.ambientediritto.it/ (accessed on 1. 10 2026).

Cencetti, G. (1940). The archives of ancient Rome in the Republican age. *Archives, 2*(VII), 7–49.

Crespo, C., and Viñas, V. (1984). The preservation and restoration of paper records and books: A RAMP study with guidelines. UNESCO. Retrieved from https://unesdoc.unesco.org/ark:/48223/pf0000063519 (accessed on 1. 10 2026).

Guercio, M. (2019). *Archivistica informatica*. Roma: Carocci Editore.

Ministry of Culture (MiC). (2022). Guidelines for the digitization of cultural heritage: National Plan for the Digitization of Cultural Heritage 2022–2023. Retrieved from https://digitallibrary.cultura.gov.it/linee-guida/ (accessed on 1. 10. 2026).

Ministry of Culture (MiC), Central Institute for the Digitization of Cultural Heritage – Digital Library. (2023). National Plan for the Digitization (PND2023) of cultural heritage. Retrived from https://trasparenza.agid.gov.it/page/29/details/38/linee-guida-sulla-formazione-gestione-e-conservazione-dei-documenti-informatici.html (accessed on 1. 10. 2026).

Ministry of Justice. (17 December 2025). Digitization of case files of historical interest. Retrieved from https://www.giustizia.it/giustizia/page/it/digitalizzazione_atti_processi_di_interesse_storico (accessed on 1. 10 .2026).

Ministry of Justice. (2026a). Digitalization reform (M1C1-R1.8): Digitalization of the justice system under the PNRR. Retrived from https://www.giustizia.it/cmsresources/cms/documents/anno_giudiziario2026_relazione_amministrazione2025.pdf (accessed on 1. 10. 2026).

Ministry of Justice. (2026b). Report for the judicial year: Digitization of judicial case files and achievement of the target.

SUMMARY

The article examines judicial archives in State Archives as sources of legal and historical significance. It highlights the archival bond connecting records and advocates integrated management within a single records process. Digital transformation requires coordinated records creation, file management, preservation, digitisation, and access while safeguarding the relationships that establish archival context.

Typology: 1.04 Professional article