

## **Document , actio iuris and documentation. Problems and perspectives in the science of diplomatic**

Today we are often talking about document and documentation. Usually we designate any written testimony that gives us information but cannot be included in the concept of proof. The basic elements of the document concept are three: the writing, its legal value, its type. We usually look at the documents in their final form, ie "in facto esse", giving less importance to the genesis «fiery», ie to the legal act and the processing of the document. Actio iuris is the manifestation of the will of one or more individuals to produce legal effects and to create the document. Of course, the act is not detached from the "documentation" or the processing of the document. In the case of dispositive documents, then the legal act is silently subject to iussio, ie the mandate given by the competent authority to the chancellery to draw up the document either directly or through an official who performs this task. A document, a legal act, must be valid before the judicial or administrative authority, and it achieves it through a certain type, from the elements which adapt it to the provisions of the law or habits and practices prevailing in the environment in which it is produced. These are the formalities at the time and place of writing, the *tempus regit actum* and the *locus regit actum*.

In the direction of communication / information, a general documentary theory is underlined according to which documentation is an activity of detection, processing, communication, research and dissemination of documents, an act that analyzes and interprets the conceptual content of the document in order to identify the information and to disseminate them through appropriate procedures. Thus, while the document has a physical recommendation that can take, maintain and transmit a legal event *actio iuris*, the documentation is the activity of its "representation", ie the necessary process of creating the document, the process through which a act of will is manifested. The documentation refers to the moment of formation of the act while the document is the proof of the fact, the outcome of the documentation process. The documentation certainly responds to multiple and diverse functions such as the need to preserve the information deemed necessary, the need for recovery and the need to access them in the future.

A series of questions are called upon to respond through this effort to approach various concepts and mechanisms. When a document has probative value, what are its key elements, when to review a document, what role of time and place of production, which acts are related to the origin of the documents, what is the role of *iussio*, what is the evolution of the document and when it is considered documentation, what is the concept of documentation and what we mean in the diplomatic science documentation. These are some questions that we will try to approach through the concerns and new trends that document and documentation are required to cover in their passage from the Middle Ages to modern times.