

CODE OF CONDUCT AND DOUBLE-BLIND PEER REVIEW GUIDELINES

Art. 1 (Premises)

1. Following the Guidelines for the rating of Scientific Journals by the Italian National Agency for the Evaluation of Universities and Research Institutes (ANVUR) and the guidelines developed by the Committee on Publication Ethics (COPE), the interdisciplinary law Journal *Archivio giuridico Filippo Serafini* adopts a double-blind peer review process: the Author does not know who the Reviewers are and, likewise, the Reviewers do not know who the Author is.

2. Review procedures are formalized in order to guarantee the integrity and ethics of scientific publishing, transparency, independence of the Reviewers and, in general, the absence of any conflict of interest.

3. Each party who is involved in the review process and in the publishing (Authors, members of the Editorial office, Reviewers, Publisher) is required to be aware of the criteria provided in the present Code and to agree on them, in order to guarantee the best practices in scientific publishing. Furthermore, each party involved undertakes to monitor the ethical aspects of research activities, in compliance with the principles developed by the Committee on Publication Ethics.

Art. 2 (Editor's publishing responsibilities)

1. The Editor is responsible for deciding to publish the manuscripts submitted to the Journal, according to its publishing policies and in compliance with the laws in force.

2. In making such decision, the Editor is supported by at least two external Reviewers.

3. In case the Editor or one or more members of the Scientific board and of the Editorial office learn about a relevant problem regarding mistakes, inaccuracies, conflicts of interest, authorship disputes, cases of misconduct such as text recycling or redundant/duplicate publication which involve one or more Authors, they have

to promptly inform the Editor, the Author and the Publisher, in order to take whatever action is needed to clarify the matter, by conducting investigations and allowing the people concerned to defend themselves. Depending on the circumstances and according to the guidelines developed by the Committee on Publication Ethics, the Editor may decide to reject the manuscript or, in case the essay was already published, to publish a correction or a retraction. In case the Editor deems it necessary to inform the readers about investigations or other actions ongoing, the results of which may influence the reliability of the contents of the Journal, the measures taken may be preceded by the publishing of an expression of concern. Any intervention concerning the modification, correction or withdrawal of already published essays will in any case be communicated on the Publisher's website.

4. The Editor ensures the publicity of the subsequent debate also through the possibility of publishing, in specific sections of the Publisher's website, any response notes and letters received in relation to the contents of published essays and which are aimed at contributing to the development of the scientific discussion on the topics covered. The texts in question are evaluated by the Editor for the sole purpose of guaranteeing coherence and relevance with respect to the ongoing debate. The publication of such contents occurs at no cost to the Authors.

5. The Editor guarantees the independence of the review process also in case the Author of the essay to be published is the Editor or a member of the Editorial board, of the Scientific board or of the Editorial office.

Art. 3

(Author's consent and duties)

1. By presenting his manuscript to the Editor or to the Editorial office of the Journal, the Author provides his consent to submit the text to the assessment of scholars who are expert in the scientific and academic reference field or in similar fields, who are external to the bodies of the Journal and who are appointed by the Editor in compliance with the peer-review principle. A list of the Reviewers' names is to be published in the last issue of the year while still guaranteeing their anonymity.

2. The Author has to guarantee that his manuscript is completely original and, in case other Authors' works and/or words are used, that they are rephrased adequately or reproduced literally in the text along with precise references in the footnotes. The Author has a duty to quote the works that are relevant for the purposes of the writing of the essay. Manuscripts that are based on original researches must include a detailed report of the investigations carried out, as well as a proper argumentation of the scientific result pursued.

3. Manuscripts already published as copyrighted material in other Journals cannot be submitted to the Editor. Manuscripts currently under review cannot be submitted to other Journals for the purposes of publishing. In such cases, in addition to the measures laid down in art. 2 §3, the Editor may determine not to accept any other manuscript by the same Author for a two years long period, starting from the date in which the Author is informed about the penalty imposed to him as a consequence of the infringement he committed.

4. After submitting the manuscript, the Author (or the Authors) agrees that, in case of publishing, economic exploitation rights are transferred to the Journal and to the Publisher, without space limits and with the existing and/or yet to be developed methods and technologies. To this purpose, in view of the publication, a specific consent form is submitted to the Authors for the transfer of the rights on the essay in the Journal, which is to be returned duly completed and signed. All the essays in the Journal are published in compliance with current copyright laws.

5. In the manuscript, the Author has to specify if there exists an economic conflict or a conflict of interest of other nature that may influence the results or the interpretation of the essay. Sources of financial support have to be explicitly specified.

6. The authorship of the manuscript is limited to those who: a) gave a significant contribution in conceiving, analyzing and interpreting the study; b) drafted the essay or revised it critically for important intellectual content; c) approved the version to be published. It is necessary to list everyone who gave a significant contribution as a co-Author and to indicate the specific contribution given to the study and to the publishing by each one of them, according to the order they decided. If appointed as responsible for the overall quality of the work, one or more co-Authors have to ensure that the name of every co-Author is included in the manuscript, that each one of

them examined and approved its final version and that each one of them agreed on submitting it for publishing. Other people who gave a contribution to the work but who are not Authors should be mentioned in the 'thank you' section.

7. For the purposes of publishing contributions in the Journal, no expense is required from the Authors. The Publisher will transmit the non-editorial (post-print) and the editorial versions of the essay to the Author. Immediately after the release of the quarterly issue, the product can be disseminated by any means exclusively in its post-print version. The editorial version, on the other hand, is subject to a two-year long embargo, without prejudice to the Authors' right to self-archive the extract of the essay in their respective research repositories under a restricted access license. Once the embargo period has expired, the editorial version of the essay can be disseminated by any means and is made accessible in Open Access under the CC BY-NC-ND 4.0 IT license in order to promote the propagation of the results of the scientific research carried out by Italian and foreign legal scholars.

8. In case one of the Authors realizes that the published essay contains inaccuracies or significant errors, even if committed in good faith, he has a duty to inform the Editor and the Publisher promptly, cooperating in order to correct or retract it.

Art. 4
(Review process)

1. Publishing proposals are to be submitted to the Editor by a member of the Editorial board or directly by the Author. They have to include:

- a) the essay in Italian or in another language;
- b) an abstract of the essay, both in Italian and in English, with an English translation of the title and from a minimum of 3 to a maximum of 5 keywords both in Italian and in English.

If needed, abstract and keywords may be submitted in one of the main transmissive language of the scientific debate other than English.

2. The Authors of the contributions that are published in the Journal have to be mostly scholars in permanent positions from Italian or foreign Universities or research centers, or members of

the research personnel of such institutions, or scholars of recognized scientific standing in the international community. The Authors also manifest openness and pluralism in reason of the variety of their cultural and academic origin.

3. The Editor carries out a preliminary selection of the submitted proposals and may decide not to publish essays that manifestly lack the necessary requirements of scientificity, originality and pertinence, without discrimination based on the Authors' race, ethnic origin, citizenship and religious, political or scientific opinion. Therefore, even before submitting the manuscript to the review process, the Editor verifies its pertinence to the scientific fields that are relevant to the Journal, and (in case the essay is pertinent to other scientific fields) whether its subject could still be of interest to the reference fields of the Journal.

4. In case the preliminary judgement expressed by the Editor is positive according to §3, the Editorial office submits an anonymized version of the Author's manuscript to two Reviewers, who are at least his peers, specifying the deadline for the delivery of the assessment form, which has to be duly filled and signed.

Art. 5

(Reviewer selection criteria)

1. The Reviewers are selected among Italian and foreign scholars, tenured or untenured, who are competent in the reference fields of the Journal, who are willing to examine the manuscript in a short time and who explicitly accept the criteria and the procedures set for the fulfillment of their task.

2. The Reviewers hold their position until they renounce or the task is revoked.

3. The review of single essays cannot be assigned to the Editor or to members of the Editorial board or the Editorial office. Exceptionally, the review of the contribution can be assigned to a member of the Scientific board.

4. While still ensuring that the Author and the Reviewers remain anonymous, the Editor also guarantees that the review of manuscripts won't be assigned to Reviewers who have or might have a conflict of interest.

Art. 6

(Contributions submitted to the review process and accepted by the Editor)

1. Every contribution that are to be published in the *Miscellanea* section of each issue of the Journal is submitted to the review process, except for those listed in §2. The first page of every reviewed contributions includes a footnote that says “*Contributo sottoposto a valutazione*”.

2. Exceptionally, the Editor or a majority of the Scientific board may assume the direct responsibility of publishing an essay: if so, such circumstances are to be specified in a footnote in its first page. Namely, the following contents may not be submitted to the review process:

a) essays by Italian or foreign Authors of recognized scientific standing or who hold positions of political-institutional relevance in national, European and international organizations, also of religious nature (such contents usually include a footnote that says “*Contributo accettato dalla Direzione per il comprovato prestigio scientifico dell’Autore*”);

b) contributions that were already published in other Journals or miscellanies, the publishing of which requires the authorization of the Author and of the Publisher (such contents include a footnote that says “*Contributo accettato dalla Direzione e pubblicato per cortesia dell’Autore e dell’Editore*” and that specifies the details of the Journal or of the miscellany in which the essay was published, eventually indicating whether it had already been reviewed: “*già sottoposto a valutazione*”);

c) lectures given at Congresses, Conferences and Round-table meetings organized by nationally and internationally relevant scientific associations of reference for the Journal, for which it is practically impossible to observe the precept of the Authors’ anonymity (such contents include a footnote that says “*Il contributo, accettato dalla Direzione per impossibilità di garantire l’anonimato nella procedura di revisione tra pari, costituisce la Relazione tenuta al Congresso...*”).

3. Contents that are not relevant to the purposes underlying the rating of scientific Journals (such as, for example, bibliographic notes, historiographic records, book reviews, participations in forum discussions and/or in scientific debates, editorials, merely informative prefaces or afterwords, as well as any content the authorship of which cannot be attributed to one or more Authors) do not undergo the review process.

Art. 7

(Review criteria for manuscripts)

1. For the purposes of the review, it is necessary that the products that are deemed scientific according to the peculiarities of each discipline manifest originality, width of the research, methodological accuracy and critical analysis, abundance of sources and bibliographic information, as well as the capability of entering in a dialogue with the national and/or international debate (when relevant for the discipline).

2. The Reviewers' assessment cannot be based on the Author's personal opinions or on his theoretical approach or affiliation to a school of thought. It only concerns the following: a) originality of the methodology and of the results; b) their accuracy; c) abundant critical knowledge of scientific literature and of case law; d) inner formal (among title, index and abstract) and substantial (in regard to the Author's theoretical position) coherence; e) clarity of the exposition.

Art. 8

(Reviewers' duties)

1. Experts who are appointed as Reviewers commit to the following responsibilities:

a) they have to scrupulously follow the criteria mentioned in art. 7;

b) they have to treat the manuscript under review as confidential until it is published and they have to destroy every electronic and hard copy of essays that are still in draft form as well as their own reports once the Editorial office confirms they were received;

c) they are forbidden to disclose to other people which manuscripts they have assessed;

d) they are forbidden to disclose such manuscripts, even partially, and they are forbidden to use information and ideas acquired through the review process for scientific or personal purposes;

e) by using the specific assessment form provided by the Editorial office for its exclusive and private use, they have to assign a score from a minimum of 1 to a maximum of 5 for each one of the five predetermined parameters. A positive assessment implies that the overall quality of the essay is 'good' (which means an overall score that is no lower than 15);

f) they have to formulate a brief judgement about the manuscript, that have to follow the criteria mentioned in art. 7 and to be explained

with clarity and justified with objectivity, prudence and respect, in order to help the Author – if needed – to improve the quality and scientific value of his manuscript. Every statement, remark or argumentation should preferably be accompanied by a corresponding quote;

g) they have to inform the Editor or the Editorial office about elements that emerged after the assessment, in case they affect the judgement previously expressed.

2. In case the person appointed as a Reviewer deems to lack the expertise needed to assess the manuscript that was assigned to him or expects to be unable to fulfill his function in the required time, he has to inform the Editor promptly, renouncing to take part in the review process or sending a request for a time extension.

3. In case the Reviewers identify the authorship of the essay and find themselves in a conflict of interest because of a previous competitive or cooperative relationship or any other connection with the Authors and the institution they belong or adhere to, they have to resign from the assignment and to inform the Editor promptly.

4. In case the Reviewers finds out a substantial similarity or a significant overlap between the manuscript assigned to them and any other published document they are personally aware of, they have to inform the Editor.

Art. 9

(Results of the review process)

1. Possible results of the review process are the following:

- a) *“non pubblicabile”* – not suitable for publication;
- b) *“non pubblicabile se non rivisto, indicando motivatamente in cosa”* – not suitable for publication unless revised, explaining in which respect;
- c) *“pubblicabile dopo modifiche/integrazioni, da specificare nel dettaglio”* – suitable for publication after some change/addition, to be specified in detail;
- d) *“pubblicabile”* – suitable for publication (except for the editing that may be required in order to follow the editorial rules of the Journal).

2. The Editorial office transmits the result of the review process to the Author in compliance with the Reviewers’ anonymity. In case

d), the Editorial office transmits the result of the review process to the Author.

3. In cases b) and c), the Reviewers have to indicate bibliographic references that are relevant for the essay submitted to the review process and that were not adequately considered by the Author.

4. In case the result is “not suitable for publication unless revised, explaining in which respect” (b) or “suitable for publication after some change/addition, to be specified in detail” (c), the Reviewers have to be willing to assess the manuscript a second time, in order to evaluate whether the new version submitted by the Author can be considered suitable for publication.

5. Basing on the data included in the assessment form and on the brief judgement expressed by the Reviewers, and after the compliance with the assessment criteria from art. 7 and the fulfillment of the Reviewers’ duties from art. 8 are verified, the Editor determines whether the manuscript is to be published or rejected or revised according to the judgement expressed by the Reviewers. In absolutely exceptional cases, a “not suitable for publication” judgement by the Reviewers might not be binding, as long as the Editor and at least two members of the Scientific board consider it to be not adequately justified and therefore determine to submit it to another Reviewer.

6. In case the judgements expressed by the Reviewers are discordant, the Editor submits the manuscript to a third Reviewer. In case the third Reviewer also expresses a negative judgement, the essay cannot be published. In case the first two Reviewers express a positive judgement or, in case of a disagreement, the third Reviewer also expresses a positive judgement, the final decision about the publishing is up to the Editor.

Art. 10
(Duty of confidentiality)

1. Reviewers, the Editor and members of the Editorial board, of the Scientific board and of the Editorial office are committed to scrupulously ensuring the confidentiality of the content of the assessment form and of the judgement, which is also guaranteed after the review process is completed and in case the work is published.

2. The Editor and members of the Editorial board, of the Scientific board and of the Editorial office of the Journal are forbidden to disclose any information about the submitted manuscripts except for

the Authors, for people who could be or already were appointed as Reviewers and for members of the bodies of the Journal, depending on the circumstances.

3. Unpublished material included in the submitted manuscript and not yet published is to be treated as a confidential document. Without the Author's consent, it cannot be used for the purposes of their research by the Editor, by members of the Editorial board, of the Scientific board or of the Editorial office, or by people who could be or already were appointed as Reviewers.

4. The bodies of the Journal ensure compliance with the provisions in force regarding the protection of *privacy* and personal data. The data of which the members of the bodies of the Journal come into possession are processed in compliance with current regulations and, in any case, for the sole purposes that are inherent to the editorial management of the Journal.

5. Documents regarding the essays that were submitted to the review process and then published and documents concerning the manuscripts that were rejected because of a decision taken by the Editor and those that were rejected after the review process are stored in the archives of the Editorial office, which guarantees the confidentiality of such content.

The present *Code of Conduct and Double-blind peer review guidelines* is available on the official website of the Journal, which is run by the Publisher.

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