

**THE THEFT OF THE “NATIVITÀ” OF CARAVAGGIO. THE PROTECTION OF
CULTURAL HERITAGE**

Stefania Cerasola

ABSTRACT

According to UN estimates, our country has on its territory at least 80% of all the cultural heritage of the planet, this situation burdens the domestic legislator with a duty of adequate and effective protection of the immense heritage that it is called to handle. The paper is aimed at describing the issue of the legal protection of cultural heritage, starting from the concrete case that shook consciences in Palermo in 1970: the theft of “Natività di Caravaggio”. After the analysis of the investigations that involved the painting and the description of the dynamics of the theft inside the Oratorio di S. Lorenzo in Palermo, we proceeded to discuss the contribution of the Nucleo Tutela del Patrimonio Culturale dei Carabinieri in the concrete case and also it will be described the reach of the activity of the Nucleo both at a national and international level. Among the various profiles that the picture has covered and continues to cover, we also proceeded to analyze the religious interest that characterizes it, and consequently we have mentioned the legal profiles related to the Ecclesiastical Heritage issue. Starting from the nature of the Picture, the methods of protecting cultural assets and the various interests that the legal system must recognize in a cultural asset, the legal profiles for the protection of cultural heritage will be described in the paper. The regulation on the protection of cultural heritage is a phenomenon that is still evolving and constantly updated. The analysis of the normative starts from the presentation of the legislation currently in force, characterized by a "double track" scheme, which sees as protagonists the Criminal Code and the Code of Cultural Heritage and Landscape. The discipline was reformed, with the inclusion of the new Bill, currently pending in the Senate, concerning the criminal protection of cultural heritage. The aim of the Bill is therefore to modify the regulations currently in force, creating a more organic body of legislation by inserting an independent title within the Criminal Code, in order to create a regulatory network more suitable for the protection of cultural heritage.