



Inquiry into How Judges and Advocates Experience Good Faith and Civil Obligations within Digital Legal Practice

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ABSTRACT

Civil law, as a foundational domain of legal science, regulates the moral and contractual relationships that structure social and professional interactions. Within this field, the concept of civil obligation has evolved from a purely legal construct into a multidimensional phenomenon that reflects human morality, justice, and ethical responsibility. Despite extensive theoretical exploration, previous studies have largely neglected the lived experiences of legal actors, leaving unanswered how judges and advocates interpret and embody the principle of good faith in their professional practice. This research addresses that gap by applying an interpretative phenomenological approach to uncover the experiential meaning of legal obligation as understood and enacted by civil law practitioners. Data were collected through in-depth, semi-structured interviews with judges and advocates, then analyzed using thematic and hermeneutic interpretation to identify the essence of participants' moral and legal consciousness. The findings reveal that civil obligation is experienced as a moral encounter shaped by empathy, reflection, and relational understanding, rather than as a mere codified duty. These specific experiential elements demonstrate how good faith becomes a concrete professional practice, influencing case interpretation, argument strategies, and the prioritization of fairness over strict formalism. Participants' narratives highlight the coexistence of legal formalism and moral intentionality, underscoring the inseparability of law and ethical awareness. These insights contribute to a more human-centered comprehension of civil law and suggest that phenomenology offers a powerful framework for examining justice as a lived moral experience within legal practice.



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INTRODUCTION

The phenomenon of civil obligation has long stood at the heart of legal theory and social order, representing not merely a juridical mechanism but a complex moral and social commitment between individuals within a legal system. In the realm of civil law, obligations embody the binding promises that sustain trust, predictability, and justice in private relationships (Sodiqin & Ichwan, 2025). However, much of the existing literature tends to elaborate these foundations at length, often without directly clarifying the specific conceptual gap that this study seeks to address. These obligations, however, are not confined to codified rules or doctrinal formulations; they are rooted in the lived interactions, ethical expectations, and mutual understanding among legal actors (Elkin-Koren et al., 2022). The growing complexity of contractual relations in a digitized society has further transformed the experiential dimension of civil obligations, making the understanding of their moral and human foundations increasingly vital.

From a socio-legal perspective, the civil law tradition conceptualizes obligations as structured expressions of legal duty and moral responsibility. Yet, in practice, these obligations are continuously interpreted and negotiated by judges, advocates, and contracting parties through the prism of personal

conscience, professional ethics, and contextual realities (Towadi et al., 2024). The dynamic between legal formalism and lived justice becomes particularly salient in modern contractual disputes, where the principle of good faith (*itikad baik*) often serves as the moral compass guiding the interpretation of fairness and equity. This duality between written law and moral intent reflects a deeply human tension that transcends the boundaries of legal positivism and enters the realm of personal meaning and ethical awareness.

In contemporary civil law discourse, the emergence of digital contracts and automated obligations has introduced new challenges to the experiential understanding of duty and accountability. The absence of direct human interaction in virtual agreements alters the way individuals perceive commitment and moral responsibility (Wach et al., 2023). Although technological change is widely acknowledged, previous studies have not clarified how these shifts influence the lived meaning of obligation among judges and advocates—an issue central to this research.

The phenomenological approach provides an essential lens through which to explore these human dimensions of legal obligation. By emphasizing the lived experiences of those who enact, interpret, and enforce the law, phenomenology reveals the subjective realities underlying formal legal structures (Usman, 2023). It allows for an inquiry into how legal actors perceive, feel, and make sense of their responsibilities not as abstract legal duties but as meaningful experiences situated within moral and social contexts (Hinojoza & Regalado, 2020). Understanding civil obligation from this experiential perspective offers a deeper appreciation of how justice, fairness, and trust are constituted in everyday legal practice, ultimately contributing to a more human-centered comprehension of civil law.

Building upon the broader understanding of civil obligations as both legal and moral constructs, recent scholarship has increasingly turned toward examining the subjective experiences of individuals engaged in the legal process (Ikhwan et al., 2025). Within this perspective, the lived experiences of judges, advocates, and contracting parties have emerged as a critical field of inquiry, as they offer insight into how legal norms are interpreted, embodied, and enacted in practice (Daipon et al., 2025). The phenomenological study of legal consciousness particularly in the realm of contractual obligations has gained prominence for its potential to illuminate the internal meanings, emotional resonances, and moral reflections that shape human engagement with law.

Despite this growing recognition, methodological challenges remain in capturing the depth and texture of these experiences (Magnusson et al., 2025). Traditional legal and empirical approaches, often grounded in positivist or quantitative paradigms, tend to emphasize external structures such as statutes, precedents, and codified duties (Zafar, 2025). While these methods provide clarity about the formal operation of civil law, they are limited in their ability to grasp the lived meaning of obligation as experienced by legal practitioners and parties in their everyday interactions (Cabbuag & Abidin, 2025). Quantitative frameworks, for example, can describe the frequency or distribution of contractual breaches but fail to account for the subjective interpretation of fairness, justice, and good faith that underpin each individual case.

Such methodological limitations highlight a gap between legal formalism and experiential understanding (Bhuller et al., 2025). Studies that rely solely on normative-dogmatic analysis often overlook how individuals perceive and interpret their legal responsibilities within real social and moral contexts (Pandya & Rao, 2022). As a result, much of the existing literature lacks the capacity to reveal the existential and interpretative dimensions of civil obligation dimensions that are essential for understanding how law is lived, rather than merely applied. This gap underscores the necessity of phenomenological inquiry, which seeks not only to describe the phenomenon but also to interpret its meaning as it is experienced by conscious human subjects.

By employing a phenomenological framework, this research engages directly with these methodological challenges. It explores the interpretative processes through which legal actors construct meaning around contractual obligation, good faith, and moral accountability (Widjaja et al., 2023). In doing so, it addresses the shortcomings of conventional analytical methods and contributes

to a deeper, experience-based comprehension of how civil law functions as both a normative and existential domain.

Existing scholarship on civil law obligations has largely relied on normative, doctrinal, or pragmatic frameworks to understand how contractual duties are defined and enforced. These approaches, while effective for explicating the structural and procedural aspects of law, remain limited in uncovering the experiential dimension of legal obligation. Current research tends to interpret good faith and moral responsibility through legal reasoning alone, treating them as objective standards rather than as lived phenomena shaped by human perception and moral reflection. Consequently, the essence of how legal actors experience and make sense of their duties within civil law remains insufficiently understood.

Traditional legal solutions emphasize consistency, predictability, and rule-based interpretation. While these aims are valuable, they often overlook the subjective processes through which judges and advocates internalize, negotiate, and apply moral principles such as good faith. As noted by Beale (2021) and Dagan (2020), the formal mechanisms of contract law can elucidate the what and how of legal duties but fail to address the why the deeper meaning that individuals attach to their sense of justice and obligation in real-life contexts. This lack of experiential insight results in an incomplete understanding of the dynamic interplay between law, morality, and human consciousness.

The central limitation, therefore, lies in the inability of normative and empirical methods to capture the lived meaning of obligation the moral awareness, emotional engagement, and interpretive reasoning that underlie each legal actor's experience. Without exploring these subjective dimensions, legal scholarship risks reducing obligation to a mere technical construct, detached from the ethical and existential realities that give it substance.

A phenomenological approach offers a compelling alternative by focusing on the essence of civil obligation as it is experienced and interpreted by individuals within their legal and moral worlds. Through the interpretative phenomenological lens, this research seeks to uncover how judges and advocates live the law how they perceive, understand, and give meaning to contractual obligations in ways that transcend textual interpretation (Wei & Baharudin, 2025). Such an inquiry not only fills a crucial theoretical and methodological gap but also contributes to a more human-centered comprehension of civil law, grounded in the moral and experiential foundations of justice.

Recent studies have explored the intersection of law, morality, and human experience within the framework of civil obligations. Scholars such as (Allinson et al., 2022) have examined how moral reasoning influences contractual justice, while (Renz & Vladova, 2021) have highlighted the evolving interpretation of good faith in digital contexts. However, these studies primarily adopt theoretical or doctrinal approaches, leaving the lived experiences of legal practitioners underexplored. The phenomenological perspective offers a pathway to address this gap by focusing on how legal actors personally perceive and interpret obligations (Madjid & Samsudin, 2021). This research therefore builds upon these foundational studies while extending inquiry into the experiential domain of civil law practice.

This study employs an interpretative phenomenological approach to explore how judges and advocates experience the principles of good faith and legal obligation in their professional lives. The method allows for an in-depth understanding of how participants construct meaning through their interactions with legal norms, moral expectations, and social realities. Unlike normative analyses, phenomenology reveals the subjective layers of justice and obligation that shape human decision-making within the legal system (Seybold, 2025a). By capturing these experiences, the study provides insight into the moral and existential foundations of civil law, thereby addressing the gap identified earlier. This approach thus answers the central question of how obligation is lived rather than merely applied.

The article is structured as follows. The introduction outlines the background, theoretical rationale, and the research gap that motivates the study (Usman, 2023). The methodological section presents the interpretative phenomenological design, data collection procedures, and analytic strategy. The results section narratively describes the themes that emerged from participants' lived experiences,

supported by direct quotations to convey authenticity (Geipel et al., 2025). The discussion integrates these findings within existing theoretical frameworks, and the conclusion summarizes the essential meanings derived from the study and their implications for future legal scholarship.

RESEARCH METHODS

Study Design

This study employed an interpretative phenomenological design grounded in the philosophical tradition of Heideggerian hermeneutics (Lutz & Knox, 2014; McNabb, 2015). The phenomenological approach was chosen to explore the lived experiences and subjective meanings underlying civil law obligations and the moral consciousness associated with the principle of good faith. This design is particularly suitable for examining how individuals experience, interpret, and construct meaning from their engagement with legal norms and moral expectations within the domain of civil law. Researcher reflexivity was treated as an integral component of this design; prior assumptions about civil law, good faith, and justice were explicitly identified through reflexive journaling before and during the study, and were continuously bracketed to minimize their influence on data interpretation.

Interpretative Phenomenological Analysis (IPA) was applied to uncover how participants perceive and make sense of their experiences in the context of contractual obligations and justice. The approach emphasizes the dual processes of description and interpretation, allowing a nuanced understanding of how meaning emerges from participants' reflections on legal and moral responsibility. This method enables a comprehensive exploration of experiential depth, focusing on how the phenomenon of obligation manifests in both cognitive and affective dimensions of human understanding.

Participants

Participants consisted of civil law practitioners, including judges and advocates, who had direct experience in handling contractual disputes involving issues of good faith and moral accountability (Hillman & Radel, 2018; Migdal, 2018). Selection followed a purposive sampling approach, ensuring that participants possessed experiential relevance to the central phenomenon.

Inclusion criteria required participants to have at least five years of professional experience in civil law practice, involvement in adjudicating or mediating contractual disputes, and familiarity with contemporary challenges in digital contractual obligations. Individuals without such experience or who had limited engagement with contract-related cases were excluded.

A total of ten participants took part in the study, comprising six judges and four advocates. The participants ranged in age from 34 to 57 years (mean age 45.3), with both male and female representation. These demographic details provided sufficient diversity to capture variations in interpretative perspectives, while maintaining coherence in experiential focus.

Data Collection

Data were collected through in-depth, semi-structured interviews conducted face-to-face in professional and confidential settings (Carreiras & Castro, 2012; Iosifides, 2016). Each interview lasted between 60 and 90 minutes and followed a flexible guide that encouraged participants to reflect on their lived experiences with good faith, justice, and obligation in contractual relationships.

The interviews were audio-recorded with consent and transcribed verbatim. Probing questions were used to elicit detailed descriptions and emotional reflections on participants' professional encounters with moral dilemmas, interpretive judgments, and the intersection between legal duties and ethical reasoning.

To maintain comfort and openness, interviews were conducted in participants' offices or other quiet locations of their choosing. Data collection continued until thematic saturation was achieved, ensuring no new significant meanings emerged from additional interviews. The use of an interview

protocol ensured consistency while allowing interpretative flexibility aligned with the phenomenological framework.

Data Analysis

Data were analyzed using the steps of Interpretative Phenomenological Analysis (IPA), emphasizing iterative reflection and interpretation (Daly, 2007; Longhofer et al., 2012). The process began with multiple readings of each transcript to gain a holistic understanding of the experiential context. Significant statements and meaning units were then identified and coded to capture essential aspects of participants' lived experiences.

Themes were derived inductively through clustering related meaning units and refining them into coherent conceptual categories. This process was facilitated using qualitative data analysis software (NVivo), which supported systematic organization without altering interpretative depth. The emergent themes were further refined through hermeneutic interpretation, connecting individual experiences to broader existential meanings within civil law practice.

Throughout the process, reflective memos and audit trails were maintained to ensure analytical transparency (Fife, 2020; Kawamura, 2020). The final stage involved synthesizing all themes into an essential structure that represented the fundamental nature of the phenomenon how moral awareness and legal obligation coexist within the lived world of civil law actors.

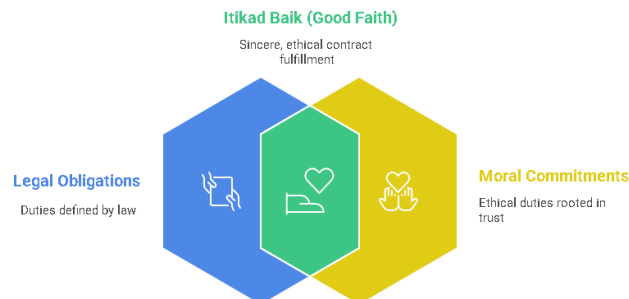
RESULTS

The Moral Dimension of Contractual Obligation

Participants consistently expressed that contractual obligations in the context of civil law are not merely legal duties but moral commitments grounded in mutual trust and ethical awareness. The moral underpinnings of itikad baik (good faith) emerged as a guiding principle that surpasses the technicality of written clauses. One judge stated:

“When I of contract, I do not also see the awareness of both their promises.”

The Heart of



decide a case of breach only see the contract; I sincerity and moral parties in fulfilling

This view illustrates that legal interpretation in civil obligations transcends normative rigidity and reflects the lived moral experiences of the actors involved. The phenomenon of moral consciousness forms the inner logic that sustains the binding nature of contractual relationships, suggesting that obligation in civil law cannot be detached from ethical intentionality.

Good Faith as a Lived Experience of Justice

Across interviews, the concept of good faith was described as an experiential encounter with justice rather than a doctrinal abstraction. Practicing lawyers and judges portrayed good faith as a

lived phenomenon that guides their interpretation of fairness and contractual integrity. A senior advocate remarked:

“Good faith is not a legal formula. It is an attitude that grows during the negotiation and performance of a contract.”

This experiential interpretation emphasizes that *itikad baik* operates as a human value internalized through continuous interaction, reflection, and the pursuit of fairness. Participants highlighted that, in digital contracts, the perception of good faith often becomes obscured due to the absence of direct interpersonal engagement, thus challenging the ethical dimension of civil obligations in virtual settings.

Tensions between Legal Formalism and Lived Justice

A recurrent theme concerned the participants’ struggle to reconcile the formal rigidity of civil law with the subjective pursuit of substantive justice. Many judges and lawyers described moments when strict adherence to codified rules conflicted with their intuitive sense of fairness. One participant reflected:

“Sometimes the law tells you what must be done, but your conscience tells you what is right.”

This tension reveals the existential dimension of civil law practice where legal actors experience internal conflict between the objective demands of legal positivism and the subjective understanding of justice. Phenomenologically, this reflects Heidegger’s concept of being-in-the-world, where meaning arises not from abstract legal norms but from the lived, interpretive engagement of the legal practitioner.

The Reconfiguration of Obligations in Digital Contracts

Participants described how the digitalization of contractual relationships has transformed the experiential meaning of obligations. The absence of physical interaction and the automation of contractual processes were perceived as diluting personal accountability. A judge noted:

“In digital contracts, obligations become more mechanical; they lose the personal essence that used to define responsibility.”

A practicing lawyer reinforced this perception, stating, “Clients think clicking ‘agree’ is the same as commitment, but many do not internalize the responsibility behind it.”

Another participant explained, “When negotiations occur through screens, the emotional and ethical weight of promises feels thinner.”

This theme highlights how the evolution of technology introduces new layers of abstraction that distance contractual relationships from human-centered moral engagement. Nevertheless, participants suggested that phenomenological awareness of trust, communication, and transparency can restore ethical integrity even within digital frameworks.

The Integration of Moral and Legal Accountability

The synthesis of all thematic findings revealed an essential structure: the inseparability of moral and legal accountability in civil obligations. Participants consistently asserted that legal responsibility without moral consciousness leads to the erosion of justice. As one respondent summarized:

“Law can compel you to perform; morality teaches you why you must perform.”

This convergence between ethical intent and legal form represents the core essence of the phenomenon civil obligation as a fusion of being bound by law and being responsible through morality. Such experiential unity provides a phenomenological foundation for reconstructing the theory of obligations beyond positivist boundaries.

DISCUSSION

Summary of Key Findings

The findings of this study reveal that civil obligation, as experienced by judges and advocates, transcends its formal legal boundaries and embodies a deeply moral and existential dimension. Participants' experiences illuminated that good faith and moral awareness are not merely doctrinal principles but lived expressions of justice that shape how obligations are understood and enacted within the practice of civil law. However, some participants demonstrated tensions between moral ideals and pragmatic legal strategies, indicating that experiential interpretations of obligation may not always align cohesively. These inconsistencies suggest that moral awareness is variably internalized and at times overshadowed by procedural or institutional pressures.

Contribution of Findings to the Research Question

The study provides a nuanced response to the central research question how legal practitioners experience and interpret the principle of good faith and obligation in civil law practice. The phenomenological analysis demonstrates that these concepts are not static legal constructs but dynamic moral experiences rooted in human consciousness (Fazal et al., 2025). Participants' reflections revealed that the moral essence of obligation emerges through an internal dialogue between personal conscience, professional duty, and social expectation (Ikhwan et al., 2025). This interpretative process transforms obligation from a formal requirement into a moral encounter characterized by empathy, fairness, and self-awareness.

By articulating this experiential transformation, the study contributes a unique perspective to civil law scholarship: it situates legal obligation within the lived reality of those who practice it (Fadjarajani & As'ari, 2021). Rather than treating the law as an impersonal system of norms, the research exposes how justice is experienced as a moral act, negotiated through reflection, judgment, and relational understanding. Nonetheless, acknowledging the divergences across participants' accounts is crucial, as some practitioners framed obligation more in terms of procedural compliance than moral pursuit, offering an important alternative explanation to the dominant interpretive narrative. This insight enriches the theoretical discourse of civil law by bridging the gap between legal positivism and moral phenomenology demonstrating that legal meaning is co-constituted through human experience.

Relationship to Previous Literature and Theoretical Perspectives

The results of this study both support and extend existing theoretical perspectives. The emphasis on the moral consciousness of legal actors resonates with ("Forensic and Legal Victimology Education: The Actualization of Ethical Values in Law," 2020) assertion that the morality of contract is integral to understanding obligation in civil law systems. Similarly, the participants' perception of good faith as an ethical commitment aligns with (Roy et al., 2024) view that fairness and sincerity underlie contractual integrity. However, this study advances these theoretical positions by revealing how such moral awareness is lived as a felt, reflective, and interpretive process rather than an abstract ideal.

In contrast to normative-dogmatic analyses, which often isolate good faith as a juridical standard, the present findings affirm Collins' (2020) claim that justice within contracts must be examined through the lens of personal meaning and relational engagement. The participants' narratives confirm that moral accountability is not imposed by legal doctrine but arises from the individual's interpretive encounter with obligation. This discovery echoes the hermeneutic philosophy of Heidegger, where meaning emerges through being-in-the-world a lived relationship between the self, others, and the structures of law.

By situating these experiential interpretations within the broader discourse, the study challenges reductionist views of legal obligation and proposes a more integrated understanding that acknowledges both legal form and moral substance (Fino et al., 2022). This phenomenological contribution reinforces the growing recognition that law, as lived and experienced, cannot be detached from the moral and emotional dimensions of human existence.

Implications of the Findings

The findings of this study carry significant implications for both theory and practice in the field of civil law and obligations (Geipel et al., 2025). Phenomenologically, the results reveal that the moral consciousness underlying good faith represents not only a legal principle but also a profound social and ethical experience that defines human interaction in legal contexts (Muñoz-Helú et al., 2025). This insight underscores the importance of incorporating moral reflection and subjective interpretation into judicial reasoning and legal education. In a broader sense, these findings suggest that justice cannot be fully achieved through codified norms alone; it must also consider the human experience of fairness, sincerity, and moral accountability. For legal practitioners, understanding obligation as a lived moral phenomenon may enhance ethical awareness, improve judicial empathy, and foster more humane interpretations of law in an increasingly digitalized legal environment.

Limitations of the Study

While this study provides valuable insights, certain limitations must be acknowledged (Seybold, 2025b). The research was conducted within a specific socio-legal context involving a relatively small sample of judges and advocates, which may limit the generalizability of its findings. As is characteristic of phenomenological research, the emphasis on depth rather than breadth prioritizes the richness of subjective experience over statistical representation. Additionally, the interpretative nature of phenomenological analysis may be influenced by contextual nuances, linguistic interpretations, and the researcher's reflective engagement with participants' narratives (Butler et al., 2021). These limitations do not undermine the study's credibility but instead emphasize its exploratory intent to uncover meaning rather than to generalize outcomes (Renz & Vladova, 2021). Future research should consider comparative or cross-cultural phenomenological inquiries to examine how legal consciousness manifests across diverse legal systems or cultural contexts.

Prospective Directions for Future Research

The insights gained from this study open several avenues for future research in the field of civil law, ethics, and phenomenology (Madjid & Samsudin, 2021). Further studies could expand upon these findings by exploring how moral awareness and experiential interpretation influence judicial decision-making across different jurisdictions or in emerging domains such as digital and international contract law. Longitudinal phenomenological studies may also illuminate how evolving social, cultural, and technological factors reshape the lived meaning of good faith and obligation over time (Obaid et al., 2024). Moreover, integrating phenomenological insights with interdisciplinary perspectives from moral philosophy, legal psychology, and digital ethics could deepen understanding of how law is internalized as both an institutional and existential reality. Such future research would not only strengthen theoretical foundations but also contribute to cultivating a more empathetic and human-centered practice of civil law.

CONCLUSION

This study explored the lived experiences of judges and advocates in interpreting good faith and civil obligations within the framework of phenomenological inquiry. The findings revealed that legal obligation is not merely a procedural construct but a moral and existential experience shaped by personal conscience, ethical awareness, and social context. By uncovering how legal actors perceive and embody justice as a lived reality, the study bridges the gap between normative legal analysis and human-centered moral understanding. These results address the limitations of previous doctrinal research by emphasizing the interpretive and emotional dimensions of legal practice. The research contributes to a more holistic comprehension of civil law that integrates legal formalism with experiential morality. Building on these insights, this study offers several practical implications for legal practitioners. First, judges and advocates are encouraged to integrate phenomenological reflection—such as awareness of personal biases, contextual dynamics, and moral intuitions—into courtroom reasoning to enhance the fairness and adaptability of decisions. Second, legal education and professional training should adopt modules that cultivate moral sensitivity and experiential interpretation, enabling future legal actors to better navigate cases involving ethical ambiguity and

human vulnerability. Third, courts and law firms may institutionalize reflective practices, such as case deliberation sessions that incorporate ethical dialogue, to promote consistency and empathy in legal judgment.

Accordingly, this study recommends that legal professionals develop explicit protocols for assessing good faith that move beyond rigid textual interpretation and instead incorporate contextual indicators such as relational dynamics, intention, and proportionality. Legal institutions should also consider establishing interdisciplinary collaborations—linking law with psychology, ethics, and sociology—to strengthen the interpretive capacity of civil law adjudication. Future studies could extend this exploration across diverse legal systems or digital contexts to deepen the understanding of moral consciousness and justice in contemporary legal practice.

CONFLICT OF INTEREST

The authors declare that there is no conflict of interest regarding the publication of this article. The study was conducted independently, and the sponsor, the Indonesian Legal Research and Innovation Fund (ILRIF), had no influence on the design, data interpretation, or conclusions of this research.

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