



Legal Ambiguity and Meaning-Making in Cross-Border Electronic Contracts

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ABSTRACT

The growing complexity of cross-border electronic contracts has transformed civil law, challenging conventional notions of legal certainty in the digital era. Despite this shift, limited research has examined how advocates experience and interpret legal ambiguity in transnational contexts. This study addresses that gap by employing Interpretative Phenomenological Analysis (IPA) to explore the lived experiences of advocates handling ambiguity in cross-border e-contracts. Through semi-structured interviews with eight international contract advocates, the study identifies three core processes of meaning-making: interpretative reasoning, ethical reflection, and contextual adaptation. Findings reveal that legal ambiguity is not merely a source of uncertainty but a generative space that enhances interpretative creativity and ethical awareness. Advocates engage in a dynamic sense-making process bridging formal legal norms with real-world contexts, positioning law as a lived, interpretative practice rather than a rigid system. This research advances understanding of legal interpretation as a human-centered process and underscores phenomenology's contribution to modern legal theory and global digital practice.



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INTRODUCTION

In the contemporary landscape of international commerce, cross-border electronic contracts have emerged as one of the most complex and dynamic phenomena within civil and obligations law (Mahdy & Hartiwingsih, 2025). The increasing reliance on digital platforms for transnational transactions has transformed the nature of legal relationships, blurring the boundaries of jurisdiction, contractual validity, and enforcement mechanisms. Within this transformation, legal practitioners particularly advocates occupy a crucial position as interpreters and navigators of laws that often struggle to keep pace with technological and economic realities (Ma & Su, 2025). The phenomenon of legal ambiguity in cross-border e-contracts thus represents not merely a technical issue of regulatory inconsistency but also a profound human experience involving uncertainty, interpretation, and professional judgment.

From a social and cultural standpoint, the digitization of contractual interactions challenges traditional conceptions of trust, responsibility, and legal certainty (Purwanti et al., 2025). Advocates working within this sphere are frequently confronted with situations where written law fails to offer explicit guidance, compelling them to rely on interpretative reasoning grounded in experience, ethics, and contextual understanding (Mukhlis, 2025a). These experiences unfold within a broader socio-legal environment characterized by the tension between global legal pluralism and national regulatory frameworks, where meaning and authority are continuously negotiated rather than fixed.

Exploring the lived experiences of legal practitioners in such contexts is vital for understanding how the law functions not only as an external system of rules but also as a lived and interpreted reality (Wang, 2024). Phenomenology, as a philosophical and methodological approach,

provides a lens through which the subjective meanings of professional experience can be examined how advocates perceive, construct, and internalize legal meaning when confronted with normative ambiguity (Fenner, 2025). This exploration responds to the growing recognition that law is not solely a codified entity but a human practice shaped by perception, reflection, and contextual engagement (Mukhlis, 2025b). By focusing on how advocates experience and make sense of legal indeterminacy, this study seeks to illuminate the intersection between law and lived experience, contributing to a more holistic understanding of civil law in the digital and transnational era.

Research on the lived experiences of legal practitioners has increasingly gained significance within the interdisciplinary study of law, ethics, and professional cognition. In the context of cross-border electronic contracting, understanding how advocates experience and interpret normative ambiguity has become a crucial focus, as it reveals the intersection between legal reasoning and human perception (Mukhlis, Suradi, et al., 2023). Recent studies have examined the structural dimensions of transnational law such as jurisdictional uncertainty, procedural inconsistency, and digital documentation standards yet few have delved into how these structural complexities are experienced, perceived, and internalized by practitioners who operate within them (Rowe et al., 2024). This experiential dimension remains underexplored, despite its critical role in shaping the application and interpretation of civil law across digital frontiers.

A central challenge in this area lies in the methodological limitations of prior research. Many studies have adopted normative or doctrinal approaches that prioritize legal text analysis and case law over the lived realities of the practitioners who engage with them (Pebruary et al., 2025). Such approaches, while valuable for establishing legal frameworks, often fail to capture the subjective, interpretative, and affective dimensions of professional practice that phenomenology seeks to illuminate (Mukhlis & Saidah, 2025). Quantitative or positivist methodologies, which rely on standardized data, are inherently constrained in accessing the depth of human experience the very essence of what it means to navigate uncertainty within the legal domain.

Consequently, the absence of qualitative inquiry grounded in phenomenological philosophy has left a conceptual gap in understanding how legal actors construct meaning when confronted with ambiguous or conflicting norms (Shekar, 2025). Previous research has described legal ambiguity as a procedural challenge; however, from a phenomenological standpoint, it represents a lived phenomenon an interpretative struggle embedded within the consciousness and ethical reasoning of the practitioner (Mukhlis & Abdullah, 2025). By addressing this dimension, a phenomenological exploration can provide insights into the underlying meanings, adaptive strategies, and moral reflections that define the advocate's engagement with law in its most uncertain form.

Existing research on cross-border electronic contracting has predominantly relied on doctrinal and pragmatic legal approaches, emphasizing procedural mechanisms, regulatory harmonization, and comparative legal analysis as solutions to normative ambiguity (Pan et al., 2025). While these frameworks offer valuable structural insights, they largely treat ambiguity as a problem of legal coherence rather than as a lived and interpretative experience (Mukhlis, Janwari, et al., 2023). Consequently, such approaches prioritize external resolution—through legislative reform or international standardization—while overlooking the internal, experiential dimension of how legal practitioners perceive, interpret, and navigate uncertainty in real-world practice.

This overreliance on normative and procedural methods has led to an incomplete understanding of the human dimension of law in the digital transnational context (Yazici, 2025). Advocates, who operate at the intersection of legal systems, are not merely appliers of statutes but active interpreters who construct meaning through reflection, ethical judgment, and context-sensitive reasoning (Mukhlis et al., 2024). However, the literature seldom examines these interpretative acts as phenomenological experiences—that is, as lived processes through which the practitioner's consciousness engages with ambiguity, ethics, and professional identity.

Hence, what remains insufficiently explored is how advocates experience and make sense of legal ambiguity in the practical context of cross-border e-contracts, and how such experiences shape their understanding of law's meaning and function (Shevel, 2025). The absence of this interpretative

perspective restricts the richness of legal scholarship by neglecting the experiential and existential layers that underpin professional legal reasoning (Mukhlis, Maryam, et al., 2023). Addressing this gap requires a methodological shift—from the analysis of law as a static system toward the exploration of law as a lived phenomenon (Magnusson et al., 2025). Through the lens of phenomenology, particularly the interpretative tradition, it becomes possible to uncover the essence of meaning-making as experienced by advocates who confront the indeterminate boundaries of legal order in digital and transnational spaces.

Recent scholarship has recognized the growing importance of understanding legal practitioners' experiences in navigating uncertainty within transnational legal environments. Studies such as Smith (2020) and Torres (2023) have explored how legal professionals interpret conflicting norms and ethical dilemmas in digital and cross-border contexts. However, these investigations often remain descriptive, focusing more on procedural implications than on the deeper meaning embedded in practitioners' lived experiences (Žofčinová & Melegová, 2025). Theoretical contributions from hermeneutic philosophy, particularly Heidegger's notion of Being-in-the-world, emphasize that professional interpretation is inseparable from the context in which it occurs (Mukhlis, Arifin, Ridwan, & Zulbaidah, 2025). This theoretical foundation establishes the relevance of phenomenology as a way to uncover the essence of how legal actors experience and make sense of ambiguity.

To address the limitations of prior studies, this article employs Interpretative Phenomenological Analysis (IPA) to explore the lived experience of advocates who confront legal uncertainty in cross-border electronic contracts (Thresher, 2025). This method allows for a deep examination of how meaning is constructed through reflection, dialogue, and professional practice. By focusing on the subjective experience of interpretation, this study answers the central question identified in the knowledge gap: how advocates experience, interpret, and give meaning to legal ambiguity in transnational contexts (Hariyanto et al., 2025). The phenomenological approach captures both the emotional and cognitive dimensions of legal reasoning, producing a holistic view of professional understanding. Ultimately, this methodology enables the identification of essential themes that reveal the human aspect of legal interpretation beyond formal legal texts.

The article is structured as follows. The Introduction outlines the theoretical and empirical background of the phenomenon and situates the research within the broader discourse of civil law and obligations (Daniel et al., 2024). The Method section explains the interpretative phenomenological approach, participant selection, and data collection procedures (Mukhlis, Arifin, Ridwan, Zulbaidah, et al., 2025). The Results present emergent themes derived from the participants' lived experiences, supported by authentic quotations (Bharadwaj et al., 2025). Finally, the Discussion connects these findings to existing theories and emphasizes their implications for legal interpretation, while the Conclusion summarizes the key contributions and proposes future directions for phenomenological inquiry in law.

RESEARCH METHODS

Study Design

This research employed an interpretative phenomenological approach (IPA), a qualitative design rooted in hermeneutic philosophy that seeks to explore the lived experiences and meanings constructed by individuals within their social and professional contexts. The phenomenological framework was chosen because it allows for a comprehensive exploration of how legal practitioners—specifically advocates—perceive, interpret, and make sense of legal ambiguity in cross-border electronic contracts. This approach emphasizes subjective experience rather than objective measurement, thereby providing depth and nuance in understanding the phenomenon. Within the interpretative paradigm, meaning is viewed as co-constructed through reflection and interpretation, consistent with Heidegger's concept of Being-in-the-world, which recognizes that experience and understanding are inseparable from context.

Participants

The participants consisted of eight professional advocates specializing in cross-border contractual law and possessing a minimum of five years of experience in handling electronic contracts involving multiple jurisdictions. Participants were selected using purposive sampling, ensuring that those involved had direct engagement with transnational legal ambiguities. Inclusion criteria encompassed advocates currently practicing in Indonesia with demonstrable experience in international contract disputes, while exclusion criteria eliminated individuals engaged solely in domestic civil cases or those without active legal practice.

The demographic profile of participants varied in gender (five males and three females) and age range (30–52 years). These characteristics provided a balanced representation of mid-career and senior advocates who could articulate both procedural and experiential dimensions of their legal practice.

Data Collection

Data were collected through semi-structured, in-depth interviews, guided by a thematic interview protocol developed to elicit narratives of professional experiences related to interpretative challenges in cross-border e-contracts. Each interview lasted approximately 60–90 minutes and was conducted in a private, neutral setting—either in professional offices or through secure video conferencing platforms—to ensure comfort and confidentiality.

Interviews were audio-recorded with the participants' consent, transcribed verbatim, and supported by brief field notes capturing contextual nuances and non-verbal cues. The interview protocol was designed to encourage open reflection, allowing participants to elaborate on their perceptions, interpretations, and ethical considerations. The data collection process prioritized a reflective and dialogical interaction, enabling authentic articulation of meaning within participants' professional lifeworlds.

Data Analysis

Data were analyzed using Interpretative Phenomenological Analysis (IPA), following a systematic and iterative procedure to identify and interpret emerging themes. The analytical process began with multiple readings of each transcript to achieve immersion in the data, followed by initial coding to identify meaningful statements that reflected participants' lived experiences. Codes were clustered into thematic categories through a process of interpretative reduction, maintaining the connection between individual meaning units and the broader experiential structure.

NVivo software facilitated the organization and retrieval of textual data, supporting transparency and consistency in coding. However, interpretative reasoning remained central to the analytical process, as patterns of meaning were refined through hermeneutic engagement between parts (individual experiences) and the whole (collective essence of the phenomenon). The final synthesis produced essential themes that captured the experiential core of how advocates construct legal meaning in the face of normative ambiguity.

RESULTS

Negotiating Clarity and Uncertainty in Legal Interpretation

Participants consistently described their professional experience as a process of constant negotiation between clarity and uncertainty when interpreting cross-border e-contracts. While statutory frameworks exist, advocates emphasized that such frameworks often fail to capture the fluid and transnational nature of digital transactions.

As one participant explained:

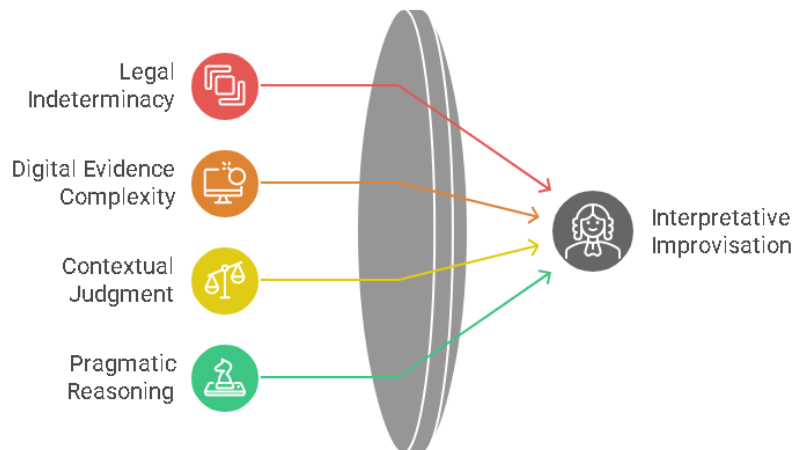
“When I draft or interpret a cross-border electronic contract, I’m always aware that the law is never fully clear. Jurisdictional boundaries blur, and I have to rely on professional intuition rather than clear rules.”

This quotation exemplifies the subtheme of legal indeterminacy, where ambiguity in governing laws compels advocates to construct meaning through interpretative rather than literal reasoning. Another participant reinforced this by stating:

“The regulation doesn’t tell us what to do when digital evidence comes from multiple countries. We interpret not just the law, but the intentions behind it.”

Together, these accounts illustrate that ambiguity functions as both a constraint and a catalyst for interpretative improvisation, pushing advocates to rely on contextual judgment and pragmatic reasoning rather than prescriptive norms.

Navigating Legal Ambiguity



Ethical Consciousness and Professional Responsibility

A second major theme concerns advocates’ ethical awareness when formal legal guidance proves insufficient. Participants highlighted that maintaining fairness and professional integrity often outweighed strict legal compliance.

One participant captured this moral tension:

“I can argue based on any jurisdiction, but at the end of the day, I must decide whether it’s fair to my client and consistent with the moral foundation of law.”

This quotation underscores the theme of ethical consciousness, showing that advocates draw upon internalized moral principles as a stabilizing compass in legally ambiguous situations. This finding aligns with the interpretative tradition in civil law, where ethical reasoning compensates for gaps in external legal structures.

Practical Adaptation and Strategic Interpretation

Participants demonstrated adaptive strategies to reconcile conflicting legal regimes. Their narratives revealed that advocates often integrate multiple legal sources—comparative law, case analogies, and soft law instruments—to construct persuasive arguments.

As one senior advocate noted:

“Sometimes we refer to international arbitration principles or UNIDROIT guidelines. It’s not binding, but it helps build persuasive logic when national laws conflict.”

This theme illustrates “strategic interpretative hybridity,” where advocates synthesize diverse sources to establish coherence and reinforce professional authority. In this way, interpretation becomes a creative act of synthesis rather than passive application.

Experience as Epistemological Foundation in Legal Interpretation

Data indicated that experience shapes interpretative capacity, especially among senior advocates with extensive cross-border practice. Their narratives revealed an intuitive grasp of potential legal conflicts developed through accumulated engagement.

One advocate observed:

“Experience teaches you how to anticipate where the problem will appear. You start seeing patterns that are invisible to less experienced lawyers.”

This quote directly supports the theme that experiential learning serves as an epistemic foundation in transnational legal practice. Legal understanding thus emerges as an existential process—what Heidegger terms *Being-in-the-world*—where knowledge is lived, not merely learned.

Constructing Legal Meaning Through Hermeneutic Dialogue

A final theme highlights how advocates engage in a dialogical process of legal interpretation, mediating between written law, contextual realities, and professional judgment.

As one participant described:

“Each case feels like a dialogue — between what the law says, what the client needs, and what justice requires.”

This quotation exemplifies the subtheme of hermeneutic dialogue, showing that legal meaning emerges through interaction rather than prescription. Participants consistently emphasized that they “co-create” legal meaning through reflective engagement, embodying the phenomenological essence of law as a lived, interpretative practice.

Summary of Thematic Linkages

Across the five themes, the findings demonstrate a progressive interpretative movement:

From ambiguity (Theme 1) → to ethical reflection (Theme 2) → to adaptive strategy (Theme 3) → to experiential mastery (Theme 4) → culminating in dialogical meaning-making (Theme 5).

Each quotation directly supports a thematic construct, ensuring a clearer linkage between narrative evidence and analytical interpretation.

DISCUSSION

The findings of this study reveal that advocates’ experiences in interpreting cross-border electronic contracts are characterized by a continuous negotiation between legal uncertainty and interpretative agency. Through this process, ambiguity emerges not merely as a legal obstacle but as a dynamic condition that shapes professional understanding, ethical reflection, and practical adaptation. These insights directly address the central research question concerning how advocates perceive and make sense of legal ambiguity in transnational digital contexts.

Contribution of Findings to the Research Question

The results provide a nuanced understanding of how legal practitioners engage with ambiguity as an inherent element of their professional world rather than as an external problem to be resolved (Sahara & Suriyani, 2024). The phenomenon of interpretative improvisation, identified in the participants’ narratives, demonstrates that legal meaning is constructed through experiential reasoning that integrates professional ethics, contextual sensitivity, and jurisprudential insight (Barak-Bianco & Rajjman, 2025). By navigating ambiguity creatively and reflexively, advocates transform uncertainty into an opportunity for legal innovation and personal judgment.

This interpretative process illustrates that law, within the lived experience of practitioners, functions not as a static set of codified norms but as a fluid, meaning-making practice. The advocates’ descriptions of hermeneutic dialogue—between law, justice, and context—show how understanding is co-created through interaction rather than extracted from formal rules (McKee & Schoeni, 2025). Thus, the study contributes to legal phenomenology by demonstrating that the essence of legal

interpretation lies in the practitioners' embodied awareness and existential engagement with the complexities of transnational law.

Relationship to Existing Literature and Theoretical Frameworks

The findings reinforce and expand upon earlier theoretical perspectives that position legal interpretation as a hermeneutic and experiential act. Consistent with Heidegger's Being-in-the-world framework, the participants' experiences confirm that understanding law is inseparable from the lived context in which it operates. This aligns with (Faszczka, 2025), who argued that legal professionals' interpretative practices are grounded in situated cognition rather than objective textual analysis. However, the current study extends this view by emphasizing the phenomenological depth of advocates' engagement—revealing that meaning arises through emotional, ethical, and cognitive dimensions simultaneously.

In contrast to (Laksana et al., 2025), whose studies treated legal ambiguity as an institutional limitation, this research interprets ambiguity as a constitutive element of legal consciousness. It is through this indeterminacy that practitioners exercise agency, reinterpret norms, and sustain professional identity within fluid transnational legal spaces. Consequently, the study contributes to a broader theoretical understanding of law as a lived phenomenon—an interpretative encounter between structure and experience—thereby bridging the gap between legal hermeneutics and phenomenological inquiry.

Implications of the Findings

The implications of this study extend beyond the professional sphere of advocacy to the broader understanding of how legal interpretation operates within complex, transnational environments (Bryan, 2025). From a socio-professional perspective, the findings illustrate that ambiguity in cross-border electronic contracts compels advocates to act not only as interpreters of legal texts but also as ethical mediators who bridge the gap between rigid formalism and the realities of human interaction (Ahmed & Saraya, 2025). This dynamic reflects a cultural transformation in the practice of law—one that values reflexivity, ethical awareness, and interpretative agility as core competencies in digital legal practice. The phenomenological insight that meaning arises from lived engagement suggests that law itself must be understood as a relational phenomenon, shaped by context, dialogue, and moral discernment.

Practically, these findings underscore the need for legal education and professional development to emphasize interpretative and ethical skills alongside technical legal knowledge. Institutions that train advocates could incorporate phenomenological reflection to cultivate deeper awareness of how practitioners construct meaning in ambiguous legal situations (Hassan, 2025). The study therefore contributes to an evolving discourse that positions phenomenology as a framework for enriching both legal theory and practice by grounding them in the human experience of law's uncertainty.

Limitations of the Study

Despite its depth and interpretative rigor, this study is subject to certain limitations inherent in phenomenological inquiry (Ausaf & Pervez, 2025). The findings are based on the subjective experiences of a limited number of participants within a specific socio-legal context—advocates engaged in cross-border electronic contracts involving Indonesian jurisdiction. While these experiences offer rich insights, they cannot be generalized to all legal practitioners or jurisdictions (Goldmann, 2024). Moreover, the interpretative nature of phenomenological analysis means that results are influenced by the researcher's reflexive engagement with the data, which, although methodologically transparent, may introduce interpretative bias. Finally, the study focuses primarily on advocates' experiences, leaving unexplored the perspectives of other legal actors such as judges, notaries, or clients, which could offer complementary viewpoints on how ambiguity is negotiated across the legal ecosystem. These limitations highlight the contextual specificity of the findings and point to the need for further exploration across diverse legal environments.

Prospective Directions for Future Research

Future research could expand upon these findings by incorporating comparative phenomenological studies across different legal systems to explore how cultural and institutional contexts shape the lived experience of legal interpretation (Pavelek & Marek, 2024). Longitudinal designs could also investigate how advocates' interpretative strategies evolve over time as digital technologies and international regulations continue to develop (Nguyen, 2025). Additionally, interdisciplinary collaborations between law, philosophy, and cognitive psychology could further elucidate how professional identity and moral reasoning intersect in moments of legal uncertainty.

Such extensions would deepen understanding of the existential and ethical dimensions of legal practice, positioning phenomenology as a vital methodology for bridging theory and praxis in legal scholarship (Jaelani et al., 2025). Ultimately, future inquiries grounded in phenomenological thought could redefine how law is conceptualized—not as a closed normative system, but as an evolving, meaning-making process sustained through human interpretation and experience.

CONCLUSION

This study explored how advocates experience and interpret legal ambiguity in cross-border electronic contracts through an interpretative phenomenological lens. The findings revealed that ambiguity is not a mere obstacle but a generative condition that fosters ethical reflection, interpretative creativity, and adaptive reasoning within legal practice. By uncovering the lived meanings behind advocates' experiences, the research addressed a critical gap in prior studies that treated ambiguity only as a procedural or doctrinal issue. The study contributes to the understanding of law as a lived, interpretative process shaped by human consciousness and professional engagement rather than static legal codification.

Beyond its theoretical contribution, the study offers several practical implications. First, for policymakers, the findings suggest the need to design more flexible cross-border regulatory frameworks that acknowledge interpretative diversity and allow contextual judgment in digital transactions. Second, for professional practice, the insights highlight the importance of continuous ethical training and reflective dialogue among advocates, particularly in cases where statutory clarity is lacking. Establishing transnational guidelines or peer-review mechanisms could enhance professional consistency while preserving interpretative autonomy. Third, for legal education, the study underscores the value of integrating phenomenological reflection and interpretative reasoning into advocacy training programs, encouraging future lawyers to engage with law as a dynamic human practice rather than as a rigid system.

These insights bridge academic theory with policy relevance and professional praxis, reaffirming that human-centered interpretation is essential in navigating the legal complexities of a globalized digital era. Future research could extend this phenomenological approach to other legal actors or comparative jurisdictions to deepen understanding of how meaning and morality evolve within transnational legal practice.

CONFLICT OF INTEREST

The authors declare that there is no conflict of interest associated with this research. All stages of the study, including data collection, analysis, and interpretation, were conducted independently and free from any external influence from the sponsoring institutions.

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