



Transformative-Systemic Hermeneutics: Legal Meaning, Institutional Lock-in, and System Shift

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Abstract

Background: *Transformative-systemic hermeneutics* addresses a gap in legal interpretation: established hermeneutic traditions explain textual meaning, historical situatedness, suspicion, and undecidability, but they do not fully explain how interpreted meaning becomes institutional routines or how those routines can be shifted when they reproduce exclusion, delay, or unequal access.

Objective: This article aims to construct and theoretically elaborate a *transformative-systemic hermeneutic* framework that explains how legal meaning becomes institutional behavior and under what conditions interpretation can support verifiable system movement.

Methods: Using conceptual reconstruction and comparative theoretical synthesis, the study selects major hermeneutic, systems-theory, responsive-regulation, institutional, and recent socio-legal sources for their distinct explanatory roles. It compares the problems that each tradition can illuminate, identifies their limits in explaining institutional operation, and synthesizes complementary concepts into a seven-dimensional architecture.

Results: The resulting framework comprises system condition, domain lock, actors, chokepoints, position, strategy, and feedback. It advances three propositions: legal meaning is operational as well as semantic; institutional lock-in is reproduced through routines, incentives, and chokepoints rather than through text alone; and reform-oriented interpretation becomes transformative only when proposed movement can be tied to observable feedback.

Conclusion: *Transformative-systemic hermeneutics* extends legal interpretation from the recovery of meaning to the diagnosis of institutional movement. The framework is conceptual rather than empirically validated, and future studies should apply and test its dimensions across doctrinal, administrative, and socio-legal settings.

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INTRODUCTION

Legal interpretation has long revolved around the problem of meaning. Statutes, constitutions, regulations, judgments, treaties, and contracts are all read so that we can pin down what they mean, how their wording ought to be construed, how their historical setting bears on that construction, how their purpose can be reconstructed, and how their authority is justified. This focus on text cannot really be avoided: law demands interpretation precisely because legal language never applies itself. Even the most transparent legal provision needs a reader, a context, an institutional home, and an exercise of practical judgment.

But legal interpretation runs into a more stubborn difficulty once the text leaves the page and steps into the institutional world. A statute does more than signify; it works. Once it is enacted, legal language gets folded into bureaucratic routines, evidentiary customs, professional incentives, audit-driven anxiety, licensing processes, judicial habits, compliance cultures, and administrative cut-off points. Legal meaning turns into institutional behavior, a premise that builds on the older sociological insight that law cannot be grasped through rule content alone but must be examined in its social and institutional operation for a recent ethnographic confirmation of this gap in an Indonesian legal-pluralism setting ([Girsang, 2026](#)).

This shift from meaning to behavior tends to be underexamined. Legal scholarship has produced rich work on textual interpretation, historical situatedness, purposive reasoning, deconstruction, doctrinal coherence, and judicial discretion, yet it has not adequately explained how legal meaning hardens into a system of action, how that action becomes locked in place, or how legal systems might be moved from one configuration to another. This is the gap the present article sets out to address.

Its central claim is that legal hermeneutics needs to be widened into transformative-systemic hermeneutics. Such an approach is not a rejection of textual interpretation but a deepening of it. It asks not only what a legal text says, and not only what it conceals, but how that text functions within a broader system of institutional reproduction. It asks how legal meaning entrenches existing equilibria, how it produces domain locks, how it shapes what actors do, where chokepoints form, which strategic positions might open a path to movement, what kind of intervention could shift the system, and what feedback would show that a real shift had taken place.

The article develops transformative-systemic hermeneutics within the System Shift framework to study how systems become locked, how legal meaning contributes to institutional reproduction, and how interpretation may support change. The framework is treated here as the conceptual architecture advanced in this manuscript rather than attributed to a named creator, preserving double-blind review. Accordingly, the research question is: How can legal interpretation be reconstructed to explain the translation of legal meaning into institutional lock-in and to identify conditions under which interpretation can support verifiable system shift?

The article proceeds from the research problem and conceptual method to a comparative reconstruction of major hermeneutic and systems-oriented traditions, develops the seven-dimensional model, examines its applications and objections, and closes by synthesizing its jurisprudential contribution and directions for empirical validation.

Legal interpretation often proceeds on the assumption that once meaning has been pinned down correctly, the interpretive job is essentially finished. That assumption is understandable, but it is incomplete. Legal meaning can be doctrinally impeccable while remaining institutionally inert. A right can be formally acknowledged and still be practically out of reach. A statutory purpose can be admirable in its aims and yet administratively frozen. A regulatory regime meant to protect the public can end up producing excessive caution among the very actors tasked with carrying it out.

The problem is the gap separating legal meaning from systemic realization. This is not merely an inconvenience; it is a theoretical problem in its own right. If a legal rule carries a meaning that cannot travel into institutional behavior, legal interpretation has not fully captured the life of that rule. A rule lives not only as text, but also as procedure, paperwork, evidentiary expectation, risk allocation, bureaucratic habit, and institutional memory.

Take a legal provision granting access to medical treatment, a welfare benefit, a license, a remedy, or a procedural safeguard. Read purely as text, the provision may look perfectly clear: it defines eligibility, procedure, authority, responsibility, and sanction. Yet in practice, access can still be blocked because officials fear liability, professionals shy away from exercising discretion, documents are difficult to produce, audit standards are murky, or procedural thresholds are too rigid to fit real human circumstances. The law says one thing; the system does another. Recent public-administration scholarship on administrative burden gives this everyday intuition a precise empirical vocabulary: policies impose learning costs (the effort required just to discover that an entitlement exists and how to claim it), compliance costs (the paperwork and documentary demands involved in claiming it), and psychological costs (the stress, stigma, and loss of dignity

bound up in claiming it), and these burdens tend to fall unevenly across social groups rather than being shared equally (Herd, 2019). A related strand of normative theory goes further, showing that such burdens can amount to injustice whenever they unreasonably obstruct access to entitlements or fall disproportionately on disadvantaged groups, regardless of any individual official's bad intent (Go, 2025).

This phenomenon is not fully captured by the familiar distinction between law in books and law in action. That distinction is still useful, but transformative-systemic hermeneutics seeks a sharper analytic vocabulary. It asks how legal meaning gets converted into institutional action, how that action becomes repetitive, and how repetition hardens into lock-in, extending the classic books/action distinction by asking how textual meaning becomes an institutional pattern and how that pattern becomes locked (Girsang, 2026).

The key theoretical move here is this: legal meaning is not exhausted by its semantic content. It has an operational afterlife. Once meaning enters institutions, it becomes part of a system of communication, expectation, repetition, risk management, and control. Understanding law therefore requires interpreting not just the legal text, but also the systemic conditions under which that text turns into action.

This is especially visible inside administrative states. Modern legal systems function less through dramatic courtroom moments than through forms, approvals, signatures, audits, reporting systems, professional guidelines, licensing platforms, internal standard operating procedures, and unspoken risk cultures. The legal text gets translated into a field of small institutional acts. Some of those acts safeguard accountability. Others quietly block justice.

A theory of legal hermeneutics confined to textual meaning cannot adequately read this field. A theory of deconstruction that exposes absences without pointing to movement may stay diagnostically sharp yet institutionally unfinished. A theory of systems that describes closure without guiding strategic transformation may remain descriptively elegant yet normatively thin. Transformative-systemic hermeneutics is proposed as a way of holding all three dimensions together.

METHOD

This article is a work of conceptual jurisprudence and theoretical reconstruction rather than empirical research. Sources were selected purposively because they addressed distinct components of the research problem: hermeneutics clarified meaning and interpretation; systems theory explained operational closure and reproduction; responsive regulation contributed strategy and feedback; institutional theory explained path dependence and rule-structured behavior; and recent socio-legal and complexity scholarship provided points of comparison for observable institutional dynamics.

The method followed the familiar logic of theory building in jurisprudence: conceptual clarification, critical comparison, integration of distinct bodies of theory, and formulation of an analytic architecture usable in future doctrinal, socio-legal, regulatory, and institutional research, in a manner consistent with other conceptual and theoretical legal scholarship (MacCormick, 2007). Operationally, conceptual reconstruction identified the concept retained from each tradition; critical comparison specified what that concept could not explain about institutional movement; and synthetic integration translated the retained concepts into the dimensions and propositions of the System Shift architecture.

Five methodological steps structured the article. First, it reconstructed the contributions of classical, philosophical, critical, and deconstructive hermeneutics. Second, it compared systems theory, autopoietic law, responsive regulation, and institutional analysis as accounts of law in operation. Third, it identified the unresolved gap between semantic interpretation and institutional movement. Fourth, it synthesized the retained concepts into the seven-dimensional transformative-systemic model. Fifth, it situated the resulting architecture in relation to recent socio-legal, regulatory, and complexity-science scholarship to assess conceptual fit and limitations rather than to claim empirical validation. The comparative synthesis followed a consistent matrix: source or tradition → concept retained → explanatory limitation → System Shift response → resulting framework dimension. This made the transition from inherited theory to the proposed architecture explicit and auditable. The framework differed from systems theory alone because it

added interpretive diagnosis and strategic feedback; from path-dependence accounts because it specified hermeneutic entry points and chokepoints; from responsive regulation because it embedded strategy within a prior diagnosis of system condition and lock-in; and from leverage-point thinking because it retained legal meaning, authority, and normative justification as jurisprudential constraints.

The article deliberately avoided presenting System Shift as a derivative extension of any single existing thinker. It was not Schleiermacherian hermeneutics, though it honored textual meaning. It was not Gadamerian hermeneutics, though it recognized historical situatedness. It was not Ricoeurian hermeneutics, though it made use of suspicion. It was not Derridean deconstruction, though it remained alert to absence and undecidability. It was not Luhmannian systems theory, though it acknowledged operational closure. It was not responsive regulation, though it drew on strategic movement and feedback. Its contribution instead lay in weaving these inheritances into a distinct architecture of systemic interpretation and transformation.

RESULTS AND DISCUSSION

Result

Schleiermacher and the Recovery of Meaning

Schleiermacher remains foundational because he treats understanding as a disciplined activity rather than as something that meaning simply hands to us. Interpretation calls for attentiveness to grammar, structure, context, and individual style. The interpreter must shuttle between part and whole, between the linguistic form of a text and the wider horizon of expression to which it belongs (Schleiermacher, 1998).

For legal interpretation, this contribution remains indispensable. Statutory provisions, constitutional clauses, contracts, and judicial opinions demand careful, linguistically disciplined reading; a careless reading of legal language can carry serious consequences. Schleiermacher thus guards law against interpretive laziness, reminding jurists that legal language is not raw material to be handled on impulse but a structured field that requires disciplined attention.

Yet Schleiermacher remains largely oriented toward recovering meaning. He helps us read the text but not yet the institutional system that the text produces. He does not ask how a legal meaning turns into a form, a checklist, a risk culture, an audit trail, a licensing threshold, or a bureaucratic routine—a question that belongs to a later stage of hermeneutic development.

Gadamer and the Historicity of Understanding

Gadamer takes interpretation further by showing that understanding is always historically situated. Interpretation is not a neutral extraction of meaning from an object; it is a fusion of horizons among interpreter, text, tradition, and historical consciousness (Gadamer, 2004).

This insight matters enormously for law. Legal texts are never read in a vacuum; they are read through inherited doctrines, institutional cultures, professional habits, constitutional traditions, and historical prejudgments. A civil-law code, for instance, carries with it a certain vision of rational order, systematization, and statutory authority, while a common-law judgment carries a different vision built around continuity, precedent, analogy, and incremental development.

Gadamer, then, helps us see that legal interpretation is always historical, but his account leaves a further question open: How do these historical horizons become institutional lock-ins? How does tradition harden into administrative behavior? How does a horizon become a procedural bottleneck? Transformative-systemic hermeneutics takes up these questions by asking how inherited meaning stabilizes operational patterns—a question that recent scholarship on "systematic interpretation" and the re-systematization of law has begun to press from within jurisprudence itself, arguing that renewed demands for legal certainty cannot be met without attending to how legal systems are structured and restructured over time (Padjen, 2020).

Ricoeur and the Hermeneutics of Suspicion

Ricoeur brings a crucial tension into hermeneutics: interpretation must be both receptive and suspicious. Meaning is never automatically innocent; texts, symbols, narratives, and institutions may all carry hidden distortions (McFadden & Ricoeur, 1978); for a recent, sustained tracing of how this Ricoeurian hermeneutics of suspicion develops into an explicit theory of law

and rights (Langford, 2026).

This matters greatly for legal analysis. Legal systems typically present themselves through noble-sounding language: legality, certainty, order, public interest, accountability, risk control, compliance, and procedural fairness. Those values are real and necessary, but they can also mask systemic effects. A procedure built for accountability can become a barrier to access. A rule designed to control abuse can generate paralysis born of fear. A documentary requirement meant to secure certainty can exclude anyone whose suffering cannot be documented in the required form.

Ricoeurian suspicion lets legal interpretation look past surface meaning without abandoning meaning altogether; it tests meaning rather than discarding it. But suspicion alone does not tell us how to move a system. It surfaces a tension without yet offering a full architecture for transformation.

Derrida and the Absence Within Law

Derrida is indispensable for any serious theory of legal interpretation because he disturbs the assumption that law is ever fully present in its text. In "Force of Law," Derrida separates law from justice while showing that legal decision involves undecidability, force, and the impossibility of grounding authority in any stable foundation (Derrida, 1976).

For transformative-systemic hermeneutics, Derrida matters not because System Shift becomes a Derridean project, but because System Shift needs Derridean sensitivity. A legal text contains more than what it explicitly says; it is also shaped by what it leaves out. Legal categories manufacture invisibilities. Forms manufacture silences. Procedures manufacture absences. A person may exist socially, medically, economically, or morally and remain invisible to the legal system simply because the available category cannot register that person's condition.

This is especially pronounced in codified legal systems. Codification brings clarity and order, but it can also produce blindness: whatever cannot be coded risks becoming administratively unreal. Derrida helps us read that absence. Still, deconstruction alone is not sufficient for System Shift. Deconstruction exposes instability, exclusion, and undecidability; System Shift asks what can be done with that exposure. Where is the lock? Who are the actors? Where is the chokepoint? What position enables movement? What strategy can shift the system? What feedback would prove that the shift happened?

Law as a System: From Meaning to Operation

Moving beyond text-centered hermeneutics requires engaging systems theory. Luhmann's account of law as a social system is a useful starting point. For Luhmann, law is not simply a set of rules but a system of communication that reproduces itself through the binary code legal/illegal (Luhmann, 2004). This account still anchors contemporary socio-legal research: a recent special-issue survey of Luhmannian scholarship confirms that his framework continues to serve as a productive toolbox for analyzing transnational and technologically mediated legal phenomena, from algorithmic decision-making in courts to the regulation of decentralized finance, precisely because it treats law as an operationally closed system of communication rather than as a fixed body of rules (Nielsen, 2024).

This account has real value because it helps explain why legal systems can be internally coherent yet externally unresponsive. Law metabolizes social complexity through its own communicative logic. A medical need, an economic hardship, a social vulnerability, or a moral urgency does not automatically become legally intelligible; it first has to be translated into the language and categories that the legal system can process.

Teubner builds on this through the theory of autopoietic law: law reproduces itself through self-referential communication and preserves a degree of operational closure from other social systems (Teubner, 1993); see also the recent special-issue survey confirming that this systems-theoretic account of law's operational closure continues to be extended to new domains (Nielsen, 2024).

This helps explain why moral urgency, medical necessity, social suffering, or economic need does not automatically alter legal behavior. Such realities must first be translated into legal categories before the system can register them. The system does not necessarily reject them outright; often, it simply cannot perceive them in their original form.

This creates a genuine hermeneutic problem. If law can recognize only what can be legally

coded, interpretation must ask not merely what the law means, but what the legal system is even capable of seeing. What remains unseen is not necessarily absent from reality; it may only be absent from the legal system's particular mode of recognition.

Systems theory, however, also has a limitation. It can describe operational closure with great sophistication while offering little guidance for strategic transformation. This is where responsive regulation becomes useful. Rogers et al. (1993) show that regulatory systems need not rely solely on command or punishment; they can operate through graduated responses, persuasion, escalation, cooperation, and institutional design for a recent literature review confirming that graduated, cooperative regulatory actions still show more consistent effectiveness than pure deterrence (Ishwardat et al., 2024). A systematic review of the international literature on responsive regulation, spanning three decades of practical application, confirms both its lasting influence on regulatory practice worldwide and a persistent evidentiary gap: it remains genuinely unsettled whether, and under what conditions, responsive strategies actually outperform alternative regulatory designs—a caution that transformative-systemic hermeneutics takes seriously by treating "strategy" as a dimension that requires verification rather than assumed success (van der Heijden, 2020).

System Shift draws these strands together. It takes from systems theory a seriousness about operational closure; from responsive regulation, the possibility of strategic movement; from hermeneutics, the discipline of interpretation; and from deconstruction, attentiveness to absence. Together, these produce transformative-systemic hermeneutics.

Institutional theory adds further ground. North defines institutions as the rules of the game structuring human interaction, while Ostrom shows that governance arrangements often depend on rule configurations, local knowledge, monitoring, and feedback rather than simple command (North, 1990; Ostrom, 2015). This institutional reading of law lines up with the empirical literature on administrative burden discussed in Part 2: because burdens are themselves a form of institutional rule-structuring, they can be redesigned, redistributed, or reduced once recognized as a deliberate or path-dependent feature of institutional design rather than as a neutral by-product of implementation (Herd, 2019).

These insights keep System Shift from lapsing into a purely textual or purely philosophical picture of law. Legal meaning becomes institutionalized through rules, incentives, roles, monitoring, sanctions, expectations, and repeated practice. Interpretation therefore has to read not just the legal sentence but the institutional ecology in which that sentence acts.

Complexity theory supplies a final layer. Complex systems commonly show nonlinearity, path dependence, emergence, feedback loops, and unintended consequences, so legal reforms may fail not because they are normatively mistaken but because they intervene at the wrong point in the system (Capra & Luisi, 2012). A recent cross-disciplinary review of "lock-in" confirms that the concept has outgrown its origins in technological and infrastructural path dependence and is now best understood as a broader family of self-reinforcing socio-institutional dynamics capable of trapping systems in suboptimal equilibria across legal, environmental, and governance domains alike, without necessarily requiring any single actor's deliberate intention (Goldstein et al., 2023). A parallel and more recent body of literature applies the quantitative tools of complexity science directly to legal systems, modeling citation networks among judicial decisions and statutes, judicial voting behavior, and the structural complexity of legislative texts, and finds that legal systems display the same feedback loops, emergent regularities, and nonlinear dynamics long observed in economic and ecological systems, lending empirical weight to the claim that legal reform is a problem of systemic intervention rather than mere textual amendment (Vivo et al., 2025).

This is precisely where the vocabulary of System Shift becomes necessary. A system does not move simply because a better norm has been articulated. It moves once the lock is understood, the chokepoint is located, the strategic position is identified, and feedback confirms that behavior has changed.

System Condition

System condition refers to the existing configuration of a legal or institutional field. It asks: What is the current operating pattern? This covers rules, institutions, habits, risks, incentives, doctrines, evidentiary cultures, administrative routines, and interpretive traditions. Conventional

legal interpretation may start with the text; transformative-systemic hermeneutics starts instead with the system condition, since a legal text only acquires practical meaning within some condition of operation.

The identical statutory phrase can behave differently inside a highly discretionary system, a risk-averse bureaucracy, a fragmented regulatory environment, or a court-centered rights culture. Meaning is not detached from condition; it is conditioned by whatever system it enters.

Domain Lock

Domain lock names the mechanism that keeps a system trapped in its existing pattern. A domain lock runs deeper than an ordinary problem: a problem is visible, while a lock is reproductive. It explains why a problem persists even once it has been recognized. In legal systems, domain locks can include overformalism, fear of liability, rigid evidentiary demands, fragmented authority, absence of safe discretion, audit anxiety, or institutional dependence on documentary proof. As the recent cross-disciplinary review of lock-in phenomena stresses, such locks need not be traceable to any single actor's decision; they are frequently the emergent, self-reinforcing product of many small, individually reasonable institutional choices accumulating over time (Goldstein et al., 2023).

A legal system may know full well that access is blocked and still fail to move because the lock is embedded in the system's own logic of self-protection. Domain lock is therefore the point at which hermeneutics becomes systemic: the interpreter must read not only what a text, institution, or procedure means, but also the mechanism by which it stabilizes nonmovement.

Actors

Actors are not simply individuals exercising free choice; they are system-positioned agents. Judges, regulators, professionals, administrators, corporations, patients, citizens, lawyers, auditors, and ministers all act within structures of risk, incentive, authority, habit, and expectation. Transformative-systemic hermeneutics avoids moral simplification; it does not begin by assigning blame to actors. Instead, it asks how actors are positioned.

What does the system reward? What does it punish? What does it make safe, and what does it make dangerous? Which kind of action becomes rational given the system's current condition? This matters because many legal failures are not the product of bad intentions but of rational behavior inside a poorly configured system.

Chokepoints

Chokepoints are the narrow passages through which systemic movement has to travel yet where movement gets blocked. They may be statutory, administrative, evidentiary, technological, financial, professional, cultural, or epistemic. A chokepoint differs from a general obstacle because it carries leverage: addressing it opens up movement, while ignoring it dooms reform.

In legal systems, chokepoints often hide in mundane places—a form, a licensing requirement, an approval procedure, an audit standard, a reporting format, an ambiguous clause, a professional guideline, or an evidentiary threshold. Small points like these can end up controlling entire systems. Empirical work on administrative burden shows how ordinary application forms can function exactly as such chokepoints, since the complexity and design of a single form can decide whether an otherwise eligible person manages to claim an entitlement at all (Herd, 2019). The hermeneutic task is to locate the chokepoint hiding behind the visible problem.

Position

Position is the strategic vantage point from which a shift can be initiated. Not every location within a system carries equal leverage: some positions look symbolically powerful but are operationally weak, while others are modest yet decisive. In legal interpretation, position can take several forms: doctrinal, as with an open-textured constitutional principle; institutional, as with a regulatory agency able to issue guidance; procedural, as with a point where documentation can be simplified; or epistemic, as with a new framing that changes how a problem gets recognized.

Position is what turns interpretation into strategy. Without position, critique stays external to the system; with position, interpretation becomes capable of producing movement.

Strategy

Strategy is the designed pathway by which a system is moved from an existing equilibrium

toward a new configuration. It must correspond to the actual system condition, domain lock, actors, chokepoints, and position; a strategy mismatched to the lock collapses into rhetoric. In legal reform, strategy might involve reinterpretation, statutory amendment, regulatory guidance, procedural redesign, risk tiering, institutional coordination, pilot programs, judicial clarification, professional education, or feedback-based monitoring.

The point is not to select a reform at random but to intervene where movement is structurally achievable. Transformative-systemic hermeneutics therefore rejects purely declaratory reform: saying that law ought to be more just is not yet a strategy. Strategy begins only once a movement pathway has been specified, a discipline consistent with findings in the responsive-regulation literature that regulatory strategies succeed or fail according to how closely they fit local institutional conditions rather than because of the intrinsic appeal of the strategy's design (van der Heijden, 2020).

Feedback

Feedback is the evidence confirming that a shift has happened. This is one of the sharpest differences between System Shift and many strands of critical theory. Critique can expose a problem; interpretation can propose a better meaning; reform can announce a new policy, but none of these guarantees that the system has moved.

Feedback asks: What changed in institutional behavior? Did access improve? Did delay shrink? Did actors behave differently? Did risk become more proportionate? Did the system settle into a new pattern? Did the old lock weaken? Without feedback, transformation remains just a claim; with feedback, transformation becomes something that can be verified—a discipline mirroring the emphasis, in recent complexity-science approaches to law, on quantitatively observable feedback loops and network effects as the proper object of legal-systemic analysis, rather than declared intentions alone (Vivo et al., 2025).

Table 1

Transformative-Systemic Hermeneutics as a Seven-Dimensional Model

Dimension	Hermeneutic Question	Systemic Function	Expected Output
System Condition	What is the present configuration?	Reads the operating environment of law.	Baseline map of the system.
Domain Lock	Why does the pattern persist?	Identifies the mechanism of non-movement.	Lock diagnosis.
Actors	Who is positioned to reproduce or disturb the pattern?	Reads agency through systemic constraints.	Actor-position map.
Chokepoints	Where is movement blocked?	Locates leverage points.	Chokepoint analysis.
Position	From where can movement begin?	Identifies strategic location.	Leverage position.
Strategy	How can the system be shifted?	Designs movement pathway.	Intervention architecture.
Feedback	What proves that movement occurred?	Verifies transformation.	Evidence of shift through observable indicators such as access, processing delay, proportionality of risk allocation, and changes in institutional behavior.

Definition and Theoretical Proposition

Transformative-systemic hermeneutics can be defined as an interpretive approach that reads legal texts, norms, institutions, and practices as elements of dynamic systems, aiming to diagnose how legal meaning becomes institutional behavior, identify the locks and chokepoints that stabilize existing equilibria, and formulate verifiable strategies through which a system may

shift toward a configuration that is more accountable, adaptive, and justice-oriented.

Three theoretical propositions are contained within this definition. First, legal meaning is operational: legal interpretation must examine how meaning becomes action within institutions. Second, legal systems are lockable: a legal system can become trapped in an equilibrium that reproduces injustice even while its formal norms appear entirely legitimate. Third, interpretation is transformative only when it identifies movement: a legal interpretation that leaves institutional behavior unchanged may remain doctrinally elegant yet systemically weak.

The article's novelty lies chiefly in the third proposition. Legal hermeneutics has long studied meaning; critical theory has long studied domination and absence; systems theory has long studied operational closure; and regulatory theory has long studied enforcement design. Transformative-systemic hermeneutics integrates interpretation, diagnosis, strategy, and feedback into a single legal-theoretical model.

Illustrative Application: Civil Law, Codification, and Bureaucratic Lock-in

The civil-law tradition offers a useful case study because it reveals both the strength and the vulnerability of codified legality. Modern civil-law systems tend to privilege written law, systematic codification, general norms, and legislative authority. These features provide legal certainty, equality before general rules, conceptual clarity, and democratic legitimacy (Glenn, 2014).

Yet codification can also generate a distinctive systemic risk: the overidentification of legality with textual form. When this happens, the written rule ceases to be merely a source of law and becomes the primary yardstick of institutional reality. What is written becomes visible; what is unwritten becomes doubtful; what is documented becomes credible; and what is undocumented becomes administratively weak. This dynamic is not simply theoretical. Contemporary work on bureaucratic burden and bureaucratic injustice documents how the documentary demands built into otherwise legitimate schemes (including multiparty application forms, notarization requirements, in-person attendance, and rigid eligibility requirements) can impose epistemic, financial, physical, temporal, and psychological costs that fall disproportionately on the very citizens the schemes were meant to protect, including disabled applicants, the elderly, and the poor (Go, 2025).

None of this implies that civil law is inferior to common law; that would be far too simple a claim. The issue is not the superiority of one legal family over another but the systemic configuration in which each operates. A codified system paired with a robust interpretive culture, proportionate discretion, and responsive institutions can remain humane and adaptive. A codified system lacking those safeguards can drift into bureaucratic rigidity.

Read through the seven dimensions of transformative-systemic hermeneutics, this problem can be described as follows: the system condition is a legality culture that privileges codified form and documentary proof. The domain lock is an institutional fear of acting beyond written authorization, compounded by the path-dependent accumulation of documentary requirements that no single official ever consciously designed as a barrier (Goldstein et al., 2023). The actors include legislators, judges, administrators, auditors, professionals, and citizens. The chokepoints may include approval procedures, evidentiary thresholds, licensing rules, and compliance documentation, the ordinary forms and checklists that the administrative-burden literature identifies as concrete sites where access is won or lost (Herd, 2019). The strategic position may lie within interpretive guidance, constitutional principles, proportionality analysis, administrative discretion, or audit reform. The strategy might involve building accountable discretion, simplifying procedures, clarifying standards, and introducing risk-based governance. Feedback would require evidence that the system has become more accessible without sacrificing accountability; for example, measurable reductions in the learning, compliance, and psychological costs that citizens must bear to obtain what they are legally entitled to (Herd, 2019).

This example resonates with comparative-law literature that distinguishes among legal families while warning against crude determinism: legal families matter, but institutional outcomes depend on how legal traditions are translated into concrete arrangements of governance, adjudication, administration, and professional practice (Sacco 1991; Twining 2009). A recent systematic review of legal-transplant scholarship reaches a similar conclusion, finding that contextual compatibility, institutional capacity, and local legitimacy, rather than the formal

legal family alone, determine whether transplanted or codified arrangements take hold (Velásquez Ochoa et al., 2026).

The example shows why System Shift is not merely hermeneutic in the classical sense. It does not stop at the meaning of the code; it examines how codification operates as a system and how a noble legal ideal such as legal certainty can become a bureaucratic lock once it is detached from proportionality, discretion, access, and feedback.

Contribution to Legal Theory

The article offers five contributions. First, it puts forward a new model of legal hermeneutics. Transformative-systemic hermeneutics moves beyond the interpretation of meaning toward the interpretation of systemic movement—not as a rejection of classical hermeneutics but as an extension of it, one that converges with recent jurisprudential arguments that legal certainty cannot be secured through textual interpretation alone and requires attention to how legal systems are structured, resystematized, and made coherent over time (Padjen, 2020).

Second, it links legal interpretation with institutional analysis. Legal texts are treated not merely as semantic objects but as operational components of systems, allowing legal theory to explain why doctrinally valid rules can still produce institutionally unjust outcomes, a claim that now has substantial empirical backing in the administrative-burden and bureaucratic-injustice literatures (Go, 2025).

Third, it builds a bridge between critical theory and reform strategy. Derridean and other critical approaches are powerful at exposing absence, exclusion, and instability, but System Shift asks what happens after that exposure: where is the lock, where is the chokepoint, where can the system move, and how will that movement be verified?

Fourth, it introduces feedback as a hermeneutic criterion for reform-oriented and transformative interpretation. In such settings, interpretation should be assessed not only by coherence, fidelity, plausibility, or moral appeal but also by whether the proposed reading can illuminate observable institutional movement. This does not reduce justice to measurement; it disciplines transformative claims by connecting them to indicators such as access, delay, proportionality of burden and risk, and changes in institutional practice (Vivo et al., 2025).

Fifth, it reframes legal reform as interpretive-systemic work. Reform is not simply the production of a new rule; it is the reconfiguration of how meaning travels through institutions. This contribution is especially significant in fields such as health law, access to justice, regulatory governance, administrative law, pharmaceutical regulation, public services, and institutional accountability.

Is This Still Hermeneutics?

One objection might be that transformative-systemic hermeneutics is not really hermeneutics at all but institutional theory in disguise. The response is that hermeneutics has always concerned itself with the conditions of understanding. If legal meaning is produced and stabilized within institutions, then interpreting legal meaning must include interpreting institutional conditions. The systemic turn does not abandon hermeneutics; it extends hermeneutics into the operational life of law.

Is the Framework Too Broad?

A second objection is that the framework covers too much ground. This is a fair concern: a theory that explains everything risks explaining nothing. The response is that System Shift is not a loose metaphor but a structured analytical sequence in which each dimension performs a distinct function: condition describes the existing configuration, lock explains persistence, actors identify positioned agency, chokepoints locate blockage, position identifies leverage, strategy designs movement, and feedback verifies change.

Does the Framework Become Managerial Rather Than Jurisprudential?

A third objection is that the framework risks slipping from jurisprudence into management theory. The response is that law is already institutional and managerial in how it operates: courts, agencies, ministries, hospitals, corporations, and regulators all translate legal meaning into organized behavior, and a jurisprudence that ignores that translation remains incomplete. Transformative-systemic hermeneutics does not reduce law to management; it asks how law becomes institutional behavior and whether that behavior remains faithful to justice.

Does System Movement Replace Justice?

A fourth objection is that justice cannot be reduced to system movement. This objection is correct, and transformative-systemic hermeneutics does not attempt any such reduction. It asks instead whether movement brings the legal system closer to accountability, adaptability, access, and human dignity. Movement without normative orientation is not System Shift; it is merely change.

Does Reliance on Recent Empirical Literature Undermine a Conceptual Framework?

A fifth and more recent objection holds that a conceptual, jurisprudential framework should not lean on empirical public-administration or complexity-science literature on the ground that doing so blurs the boundary between normative theory and social science. The response is that transformative-systemic hermeneutics does not borrow empirical findings as a substitute for conceptual argument; it uses them as corroboration that the phenomena the seven dimensions are designed to name (domain lock, chokepoints, and feedback in particular) are not simply stipulated by the theory but are independently observable in administrative practice (Vivo et al., 2025). A conceptual architecture unable to relate itself to such evidence would risk exactly the charge noted in Part 10.2: explaining everything and confirming nothing.

CONCLUSION

Legal interpretation begins with meaning but, in reform-oriented settings, cannot end with semantic clarification. Transformative-systemic hermeneutics addresses this gap through seven linked dimensions (system condition, domain lock, actors, chokepoints, position, strategy, and feedback) that explain how legal meaning is operationalized, how institutional patterns reproduce themselves, where movement is blocked, and how proposed interventions can be evaluated. Its theoretical contribution is to connect hermeneutic interpretation with institutional diagnosis without reducing law to management or justice to system change.

The framework remains conceptual, and its propositions require empirical, doctrinal, and comparative application. Recent work on administrative burden, path dependence, responsive regulation, systems theory, and complexity science supports the relevance of the phenomena it names but does not itself validate the seven-dimensional architecture. Future research should therefore operationalize the dimensions across concrete legal domains and test whether indicators of access, delay, risk proportionality, and institutional behavior provide credible evidence of system shift.

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AUTHOR CONTRIBUTION STATEMENT

Raymond R. Tjandrawinata was solely responsible for the conceptualization, theoretical framework development, literature review, methodology, comparative theoretical synthesis, analysis and interpretation, manuscript preparation, critical revision, and final approval of the manuscript. The author takes full responsibility for the integrity and accuracy of the work.

REFERENCES

- Capra, F., & Luisi, P. L. (2012). The systems view of life: A unifying vision. In *The Systems View of Life*. <https://doi.org/10.1017/CBO9780511895555>
- Derrida, J. (1976). *Of Grammatology*, trans. Gayatri Chakravorty Spivak.
- Gadamer, H.-G. (2004). *Truth and Method* Translation revised by Joel Weinsheimer and Donald G. Marsh. In *Continuum Publishing Group*.
- Girsang, L. W. P. N. S. and N. L. (2026). *Bridging Law in Books and Law in Action: Ethnographic*

- Insights into Indonesia's Legal Pluralism. *Mahadi: Indonesia Journal of Law*, 5(1), 14–24.
- Glenn, H. P. (2014). *Legal traditions of the world: Sustainable diversity in law*. Oxford University Press.
- Go, J. (2025). Bureaucratic burdens and bureaucratic injustice. *The British Journal of Politics and International Relations*, 27(4), 1567-1584.
- Goldstein, J. E., Neimark, B., Garvey, B., & Phelps, J. (2023). Unlocking “lock-in” and path dependency: A review across disciplines and socio-environmental contexts. In *World Development* (Vol. 161). <https://doi.org/10.1016/j.worlddev.2022.106116>
- Herd, P. and D. P. M. (2019). *Administrative burden*. Russell Sage Foundation: New York, NY, USA.
- Ishwardat, S., van Steenberg, E., Coffeng, T., & Ellemers, N. (2024). Stimulating Regulatory Compliance and Ethical Behavior of Organizations: A Review. In *Business Ethics and Leadership* (Vol. 8, Number 3). [https://doi.org/10.61093/bel.8\(3\).151-172.2024](https://doi.org/10.61093/bel.8(3).151-172.2024)
- Langford, P. (2026). From Textual Hermeneutics to Law: The Genesis and Development of Law and Rights in Ricoeur. *International Journal for the Semiotics of Law-Revue Internationale de Sémiotique Juridique*, 39(4), 1155–1189.
- Luhmann, N. F. K. and D. S. (2004). *Law as a social system* (Vol. 498). Oxford: Oxford University Press.
- MacCormick, N. (2007). *Institutions of law: an essay in legal theory*. OUP Oxford.
- McFadden, G., & Ricoeur, P. (1978). Interpretation Theory: Discourse and the Surplus of Meaning. *The Journal of Aesthetics and Art Criticism*, 36(3). <https://doi.org/10.2307/430446>
- Nielsen, S. P. P. (2024). Introduction: A Special Issue on Niklas Luhmann's Systems Theory and Law. *Onati Socio-Legal Series*, 14(5). <https://doi.org/10.35295/OSLS.IISL.1855>
- North, D. C. (1990). Institutions, Institutional Change and Economic Performance. In *Institutions, Institutional Change and Economic Performance*. <https://doi.org/10.1017/cbo9780511808678>
- Ostrom, E. (2015). Governing the commons: The evolution of institutions for collective action. In *Governing the Commons: The Evolution of Institutions for Collective Action*. <https://doi.org/10.1017/CBO9781316423936>
- Padjen, I. L. (2020). Systematic Interpretation and the Re-systematization of Law: The Problem, Co-requisites, a Solution, Use. *International Journal for the Semiotics of Law*, 33(1). <https://doi.org/10.1007/s11196-019-09672-x>
- Rogers, J., Ayres, I., & Braithwaite, J. (1993). Responsive Regulation: Transcending the Deregulation Debate. *Contemporary Sociology*, 22(3). <https://doi.org/10.2307/2074486>
- Schleiermacher, F. (1998). Schleiermacher: Hermeneutics and Criticism And Other Writings. In *Cambridge University Press*.
- Teubner, G. (1993). *Law as an autopoietic system*.
- van der Heijden, J. (2020). Responsive Regulation in Practice: A Review of the International Academic Literature. *SSRN Electronic Journal*. <https://doi.org/10.2139/ssrn.3651924>
- Velásquez Ochoa, J. A., Betancourt Durango, R. A., Garcés Giraldo, L. F., Castilla Cabeza, J. L., Garcia Arango, D. A., Giraldo, M. G., & Jaramillo Gómez, N. I. (2026). Legal Transplants: Truths and Errors in Comparative Legal Analysis. In *Laws* (Vol. 15, Number 4). <https://doi.org/10.3390/laws15040067>
- Vivo, P., Katz, D. M., & Ruhl, J. B. (2025). CompLex: Legal systems through the lens of complexity science. *EPL*, 149(2). <https://doi.org/10.1209/0295-5075/ad99fc>