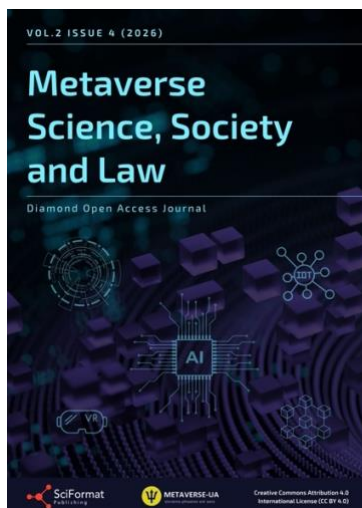




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+15878858911
✉ editorial-office@sciformat.ca

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JURIDICAL CONSTRUCTION AND THE NORMATIVE DIMENSION OF THE INSTITUTIONAL SYMBOLIC SYSTEM: A STRUCTURAL-COGNITIVE ACCOUNT OF JURIDICAL COORDINATION

Oleg Khalabudenko

PhD in Law, Associate Professor, Department of Political Sciences and Law, Kyiv National University of Construction and Architecture, Kyiv, Ukraine
ORCID ID: 0000-0001-9478-0164

ABSTRACT

The article reconstructs juridical construction as the specifically juridical structural form through which the normative content of an institutional symbolic system is organised and symbolically stabilised as a reproducible configuration of differentiated positions and their normative dependencies. Two questions are separated throughout. The structural question concerns how juridically differentiated normative content is institutionally organised; the functional question concerns what such organisation may make possible for differentiated practical legal orientation. The structural reconstruction proceeds from cognitive limitation and institutional symbolic mediation to normative and juridical differentiation, and defines juridical construction through a configurational criterion rather than through the novelty of its constituent elements. The functional analysis distinguishes contextual recoverability, operability, contextual accessibility of relational normative significance, normative relatability, practically sufficient compatibility, and cognitive integration as analytically different relations, each of which can fail independently. The argument is disciplined by two devices. *Obligatio propter rem* supplies a doctrinal hard case in which object-related and obligatory positions, transformation rules, temporal conditions, operations, and consequences are concentrated, with Italian law as the baseline and Argentine, Brazilian, and Colombian materials as comparative controls of structural generality. A fragmentation test then varies specified properties of configurational organisation while holding materially comparable substantive determinations, information availability, and verification conditions sufficiently stable, using the number and type of intermediate normative determinations required to answer fixed position-relative questions as an independently specified indicator. The contribution is architectural and metatheoretical: it locates juridical construction within a structural-cognitive theory of institutional coordination, separates the structural claim from independently contestable hypotheses concerning practical legal orientation, and distinguishes both from independent normative evaluation.

KEYWORDS

Juridical Construction; Institutional Symbolic System; Legal Positions; Structural-Cognitive Theory; Cognitive Integration; Institutional Coordination; Practical Legal Orientation; *Obligatio Propter Rem*

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1. Introduction

Institutions make coordinated social activity possible under conditions in which participants possess limited information, finite cognitive capacities, and differentiated practical orientations. A classical institutional account emphasises that institutions reduce uncertainty by providing stable structures for human interaction and by constraining and enabling the choices available to actors (North, 1990, pp. 3–6). From the perspective of bounded rationality, actors cannot continuously reconstruct all relevant features, alternatives, dependencies, and consequences of complex situations from first principles; practical orientation depends on selective representations and socially available means of reducing the cognitive demands of decision-making (Simon, 1957, pp. 198–199, 204–205). Research on distributed cognition further indicates that cognitive work can be organised across persons, artefacts, and representational environments rather than remaining confined to individual mental processing (Hutchins, 2005, pp. 1555–1557).

A structural-cognitive approach develops this problem at the level of institutional coordination. Institutions are understood as structurally differentiated arrangements whose reproduction depends on symbolic forms through which institutionally relevant distinctions, positions, expectations, procedures, and possible actions become recognisable and practically available. A previous structural-cognitive account treated the institutional symbolic system as the mediating level between institutional structure, cognitive integration (CI), and coordinative sustainability (Khalabudenko, 2026, pp. 3–4, 7–8). That account established the general architecture but left the specifically juridical structural level insufficiently differentiated. The present article addresses this level by approaching law as a specialised normative dimension of the institutional symbolic system. The symbolic and institutional constitution of legal normativity is itself well established: collectively recognised status functions constitute deontic significance rather than describing pre-existing facts (Searle, 1995, pp. 69–71), and institutional theories of law analyse legal orders through normatively constituted institutional forms; their relation to the category reconstructed here is examined in Section 2.2.

Law nevertheless introduces a more specific organisational problem. Legal ordering constitutes and differentiates juridical positions; connects claims, duties, powers, liabilities, competences, immunities, and disabilities; specifies conditions under which such positions arise, change, or cease to exist; and determines juridically available operations and their consequences. The juridical significance of a position therefore frequently depends on the position of another participant, on a legally qualified relation between positions, on rules governing the transfer, modification, or termination of that relation, and on consequences allocated across different positions and moments in time. These dependencies must remain institutionally reproducible even as situations change and different persons successively occupy the relevant positions. The relational organisation of legal positions and the organisation of legal change are established theoretical problems: Hohfeld's analysis made the correlative structure of fundamental legal positions explicit (Hohfeld, 1913, p. 30); Lindahl's theory of legal positions and legal change demonstrated the importance of legally structured transformations alongside static deontic characterisation (Lindahl, 1977, pp. 193–219, 228–260); and Lindahl and Odelstad developed formal resources for representing normative systems through relations among descriptive conditions, intermediate conditions, and normative consequences (Lindahl & Odelstad, 2011, pp. 113–114).

The cognitive significance of legal form is similarly well explored. Legal concepts operate as intermediate terms that organise legal inference and economise normative expression (Lindahl & Odelstad, 2011, p. 114); they have also been analysed as cognitive tools whose operation depends on legal practice and the legal system in which they function (Jakubiec, 2022, pp. 1837–1843, 1850–1853). In property theory, Smith has shown how legal architecture responds to information costs through concepts, modularity, and interfaces (Smith, 2012b, pp. 1704–1712), and how an economy of concepts connects legal organisation with strategies of modularity and recursion (Smith, 2012a). More recent formal work extends this informational and relational line of analysis. Sichelman and Smith represent Hohfeldian legal relations as a network in which actors constitute nodes and legal relations constitute edges, allowing properties of legal structure, including modularity, to be analysed quantitatively (Sichelman & Smith, 2024, pp. 1–6). In separate work, Sichelman formalises legal entropy through Shannon entropy, distinguishing delineative, interpretive, and applicative entropy, and relates it to Hohfeldian legal relations and the informational structure of legal rights (Sichelman, 2021, pp. 3–13). These approaches provide important formal comparators for the present reconstruction. They raise a more specific question of whether relational topology, modularity, and informational uncertainty exhaust the organisational problem addressed here, or whether additional discrimination is provided by distinguishing relations among juridical positions from the rules governing their transformation, legally specified conditions, available juridical operations, temporal allocation, and consequences. The problem

addressed here therefore requires a formulation narrower than the proposition that legal forms simplify complex normative information.

What remains insufficiently specified is the theoretical status, within the institutional symbolic system, of the configuration in which legally relevant qualifications, differentiated positions, relations, transformation rules, conditions, operations, and consequences are organised in a form capable of remaining reproducible across changing situations and participants. A legal rule can specify one or more of these dependencies, and a legal concept can condense substantial normative information, yet neither individually specifies their mode of organisation. Institutional theories of law approach closely related material through legal institutions such as contract, trust, ownership, or the corporation, analysed through rules of institution, consequence, and termination (MacCormick & Weinberger, 1986; MacCormick, 2007; Ruiter, 1997, 2001). Ruiter's extension of institutional legal theory through content rules addresses the internal normative content of institutional instances (Ruiter, 1997, 2001; see also MacCormick, 1998, pp. 337–338). "Legal institution" is used here in this specific theoretical sense, distinct both from the broader notion of institution in institutional theory and economics and from the continental doctrinal notion of *Rechtsinstitut* as a group of norms regulating a homogeneous set of relations. The relation between juridical construction and legal institution depends on the conception of institution employed: on the accounts of MacCormick and Ruiter the relevant normative material may overlap substantially, although such overlap is theory-dependent and establishes no identity of categories.

The article reconstructs juridical construction as the specifically juridical structural form through which the normative content of the institutional symbolic system is organised and symbolically stabilised as a reproducible configuration of differentiated positions and their normative dependencies. Its distinctive criterion is configurational: juridical construction identifies the reproducible mode in which juridically relevant elements and normative dependencies are organised. The necessity attributed to it is structural rather than ontological or causal; it concerns the requirement that juridically differentiated normative dependencies remain institutionally reproducible across changing situations and occupants.

Structural constitution and cognitive functioning are nevertheless distinct questions. Legally constituted positions can exist without being exercised, and rules governing transformations can remain valid where participants misunderstand, contest, or disregard them. A juridical construction therefore cannot be defined by the success of the orientations it may support. The cognitive question arises because practical orientation is selective and position-dependent: cognitively bounded participants cannot reconstruct an entire juridical configuration whenever they confront a practical legal problem, and a transferor, transferee, creditor, claimant, or third party can face different juridical implications within the same configuration. Coordination without complete consensus or uniform interpretation is an established possibility (Clark & Brennan, 1991, p. 129; Star & Griesemer, 1989, p. 393; Galison, 1997), and relational approaches to institutional cognition caution against reducing institutional normativity to convergent internal mental models (Petracca & Gallagher, 2020, pp. 747–765). The narrower question pursued here concerns how juridically constituted differentiation can remain compatible with practical orientation to the normative dependencies connecting differentiated legal positions. Whether such compatibility contributes to coordination is a further, conditional question, since institutions can also manage dependencies among activities through hierarchy, incentives, enforcement, routines, and technological systems (Malone & Crowston, 1994, p. 90).

Against this background, the article addresses two research questions:

Research Question 1 (**RQ1**). How should juridical construction be reconstructed if law is understood as a specialised normative dimension of the institutional symbolic system?

Research Question 2 (**RQ2**). Through which analytically distinguishable relations can the organisation of a juridical construction become relevant to differentiated practical legal orientation, and under what conditions can such orientations satisfy the criterion of practically sufficient compatibility?

The order of the questions is deliberate. RQ1 is primary and reconstructive: it establishes the theoretical location of juridical construction and the structural requirement to which the category responds. RQ2 concerns independently contestable propositions about cognitive functioning, formulated through contextual recoverability, operability, contextual accessibility of relational normative significance, normative relatability, practically sufficient compatibility, and cognitive integration, each introduced in Section 3. The existence and analytical identity of juridical construction are therefore not inferred from successful practical orientation; conversely, failure of a particular functional hypothesis would not by itself eliminate the structural problem for which juridical construction is introduced.

Methodologically, the article proceeds through a problem-directed metatheoretical reconstruction. It asks which distinctions are required to connect the juridical dimension of institutional symbolic organisation

with differentiated practical orientation while preserving the explanatory achievements of existing theories. Existing accounts of legal concepts and institutions, normative positions and legal change, information and verification costs, formal measures of legal entropy and network modularity, and alternative mechanisms of coordination accordingly operate as antecedent, competing, or complementary explanatory resources. Formal models are treated as competing explanations where they represent or quantify the same structural property without requiring the additional distinctions proposed here, and as complementary formalisations where they capture a different property of the juridical configuration. The relevant question is therefore not whether the structural-cognitive reconstruction can be translated into quantitative terms, but whether its distinctions provide additional analytical discrimination once formally representable properties of legal relations, modularity, and informational uncertainty are taken into account. The reconstruction is subject to an anti-ad hoc constraint: a new distinction is warranted only where the preceding architecture cannot represent the relevant problem with sufficient discrimination and where the distinction performs independently assessable work. Where an established account explains the phenomenon without material explanatory loss, the corresponding structural-cognitive claim must be narrowed, revised, or rejected.

Two devices discipline the argument. *Obligatio propter rem* supplies a doctrinal hard case because it concentrates personal substitution, legally differentiated positions, normative relations, transformation rules, and the temporal allocation of consequences. Since established private-law doctrine already explains the legal operation of such arrangements, the case serves a discriminating rather than confirmatory function. A fragmentation test then imposes a stronger constraint on the functional hypotheses by comparing differently organised representations of materially comparable substantive juridical determinations while holding the principal competing conditions sufficiently stable. The comparison varies specified properties of configurational organisation and uses the number and type of intermediate normative determinations required to answer fixed position-relative questions as an independently specified indicator. The most proximal hypotheses concern contextual recoverability and contextual accessibility of relational normative significance; effects on normative relatibility are more conditional, while practically sufficient compatibility and cognitive integration constitute more distal and demanding implications.

The contribution is architectural and metatheoretical rather than a claim to novel components. Rules, normative positions, powers, transformations, institutional facts, legal concepts, information-reducing structures, and formal representations of relational legal structure have already received substantial theoretical treatment. The article locates juridical construction within a structural-cognitive theory of institutions and separates that structural reconstruction from independently contestable hypotheses about what juridical organisation may make possible for differentiated practical orientation.

The argument proceeds in four stages. Section 2 develops the structural reconstruction from cognitive limitation and institutional symbolic mediation to juridical differentiation and juridical construction, answering RQ1 while locating the proposed configurational account in relation to established theories of legal positions, legal change, legal institutions, information costs, and formal models of legal relations. Section 3 addresses RQ2 by distinguishing the relations through which configurational organisation may become relevant to differentiated practical legal orientation, from contextual recoverability and operability to relational normative accessibility, normative relatibility, practically sufficient compatibility, and cognitive integration. Section 4 subjects these claims to discrimination rather than illustrative confirmation: *obligatio propter rem* provides the doctrinal hard case and comparative controls, while the fragmentation test varies configurational organisation under specified controls and treats informational, verificational, and formally representable properties of legal structure as competing explanations where appropriate. Section 5 evaluates separately what the structural reconstruction and the functional test can establish, specifies their scope and conditions of failure, and distinguishes cognitive and coordinative properties of juridical organisation from its independent normative evaluation. Section 6 states the resulting structural and functional conclusions.

2. Structural Reconstruction: From Institutional Symbolic Mediation to Juridical Construction

2.1. Cognitive Limitation and Institutional Symbolic Mediation

The structural-cognitive point of departure is a consequential limitation of coordinated social activity: participants cannot be expected to reconstruct the full structure of an institutional situation whenever they act within it. Bounded rationality constrains the information actors can acquire and process, the alternatives they can compare, and the consequences they can anticipate within the temporal and organisational conditions of practical choice (Simon, 1957, pp. 198–199, 204–205). Institutional coordination therefore depends in part on forms of selective orientation through which practically relevant distinctions become available without requiring exhaustive reconstruction of the social environment.

The significance of this limitation extends beyond individual decision-making. Research on distributed cognition has shown that cognitive processes can be organised across persons, artefacts, representational media, and structured environments rather than being confined to individual mental processing (Hutchins, 2005, pp. 1555–1557). External representations can themselves structure cognitive tasks by organising information, constraints, relations, and available operations (Zhang & Norman, 1994, pp. 87–89, 116–118; Kirsh, 2010, pp. 441–445). These accounts do not themselves provide a theory of institutions or legal normativity. They establish a more limited premise relevant here: the cognitive conditions of practical orientation depend partly on how socially available representations organise information, distinctions, and possible operations.

More recent embodied, enactive, and relational approaches broaden this premise by questioning accounts that locate institutional cognition primarily in representations possessed by individual agents. Institutional environments, recurrent practices, artefacts, normative structures, and reciprocal relations can participate in the organisation of cognition rather than functioning solely as external repositories of information. Petracca and Gallagher develop this point specifically for cognitive institutions, treating institutions as entering into the organisation of cognitive processes rather than merely constraining them from outside (Petracca & Gallagher, 2020, pp. 747–765). Gallagher's broader 4E account extends this argument to large-scale cognitive institutions and explicitly treats legal institutions as structures and normatively organised practices that can enable cognition and, under appropriate forms of engagement, constitute specific cognitive accomplishments (Gallagher, 2023, pp. 23–25). More recent work within this tradition emphasises that cognitive institutions are constituted primarily through social and interpersonal relations, even where technologically mediated processes are involved (Petracca & Gallagher, 2025, pp. 128–129). The present account is compatible with this relational orientation but does not require the stronger constitutive claim that institutional or juridical organisation forms part of cognition itself. Its narrower explanandum is how symbolically organised institutional distinctions become reproducibly available to cognitively bounded participants occupying differentiated institutional positions.

Institutional symbolic mediation places that question at the level of institutional organisation. Institutions reproduce differentiated positions, expectations, procedures, and patterns of action through symbolically organised forms that make institutionally relevant differences recognisable across recurrent situations. In the structural-cognitive framework, the institutional symbolic system denotes this organised symbolic dimension. It comprises languages, classifications, institutional distinctions, narratives, procedures, documentary forms, and other symbolically stabilised resources through which institutional structure becomes available for practical orientation (Khalabudenko, 2026, p. 7). Its function is therefore neither exhausted by information storage nor reducible to a representation held identically by individual participants.

The institutional symbolic system is therefore not synonymous with cognitive scaffolding. Cognitive scaffolding identifies a possible functional relation in which environmental structures support cognitive performance or reduce cognitive load (Gallagher, 2023, pp. 14–15); the institutional symbolic system identifies the symbolically organised institutional level whose structures may perform such a function but remain institutionally constituted independently of its success.

Institutional reproduction must accordingly be distinguished from cognitive convergence. An institutional distinction can remain symbolically reproducible where participants understand its wider meaning differently, possess unequal information, or pursue different practical purposes. Conversely, convergence among individual representations does not by itself constitute an institutional structure. The relevant point at this stage is that institutionally significant distinctions can be reproduced in forms sufficiently stable to enter recurrent practical orientation. The symbolic system is thus treated as an institutional mode of organisation rather than an aggregate of mental representations.

This formulation is compatible with theories of institutional facts while addressing a different analytical problem. Searle's account explains how status functions and constitutive rules allow persons, objects, acts, and events to possess institutional significance that cannot be derived from their physical characteristics alone (Searle, 1995, pp. 69–71, 73–78). The structural-cognitive inquiry begins with the institutional constitution of such significance and asks how institutionally constituted distinctions are organised so that they can remain available for recurrent practical orientation under cognitive limitations.

Normative organisation makes this question more specific. Symbolic distinctions do not necessarily constitute normative positions. A classification may identify an object, role, event, or situation without determining what a participant may, must, can, or is entitled to do. Normative organisation connects institutionally identified circumstances with positions, relations, available actions, and consequences. A symbolically identified state of affairs can thereby become a premise for a normative position, alter a relation between positions, authorise an operation, or trigger a consequence.

This transition does not derive normativity from symbolic representation. Institutional recognition of a category and the normative significance attached to it remain analytically distinguishable. Nor are normatively constituted positions reducible to participants' beliefs concerning what they ought to do. Such positions can remain institutionally constituted despite ignorance, disagreement, non-performance, or contestation by their occupants. The problem concerns the organisation of normative significance within the institutional symbolic system rather than its reproduction in individual minds.

Law is approached within this framework as a specialised normative dimension of the institutional symbolic system. Legal ordering provides institutionally recognised forms through which facts and events acquire juridical qualifications, participants occupy juridical positions, relations among those positions are specified, legally relevant transformations become possible, and juridical consequences are allocated. This formulation neither identifies law with the symbolic system as a whole nor treats law as a language that merely describes independently constituted normative relations. It identifies the juridical dimension through the institutional organisation of legally recognised qualifications, positions, competences, relations, procedures, transformations, and consequences. Institutional theories of law provide an important antecedent here, since they demonstrate that legal normativity cannot be adequately represented as an unstructured aggregate of prescriptions; their relation to the category reconstructed here is examined in Section 2.2.

The specifically juridical problem therefore begins with normative differentiation. Legal ordering constitutes positions whose significance may depend on other positions, on relations connecting them, on conditions under which those relations arise or cease, on rules governing their transformation, and on juridical operations through which consequences are produced or reallocated. The relevant structural problem is not simply that law contains many rules or communicates complex information. It is that juridically differentiated elements acquire position-relative significance through organised normative dependencies.

2.2. Juridical Differentiation and the Requirement of Configurational Organisation

The relational character of legal positions is presupposed rather than claimed as a result. A claim-right is intelligible as a juridical position through its correlative duty, while powers and liabilities identify legally organised possibilities of normative change; Hohfeld's scheme of correlatives and opposites made these relational structures analytically explicit (Hohfeld, 1917, p. 710; see also pp. 717–718).

Legal change is equally well theorised. Lindahl treats legal positions together with the legally structured transformations among them rather than as static deontic predicates (Lindahl, 1977, pp. 193–219, 228–260). Lindahl and Odelstad's analysis of intermediaries and joining structures further shows that legal systems connect descriptive grounds with deontic consequences through intermediate normative determinations rather than through direct mappings from facts to isolated norms (Lindahl & Odelstad, 2011, pp. 113–115).

Legal concepts carry much of this intermediate work as inferential intermediaries between grounds and consequences (Lindahl, 2004). They have also been analysed as mental representations and cognitive tools whose operation is manifested through language and legal practice (Jakubiec, 2022, pp. 1837–1843, 1850–1853). Property theory adds a distinct informational line of explanation. Merrill and Smith show that standardisation of property forms can reduce the measurement and information costs imposed on third parties who must identify the legal dimensions of rights and assess interests they may acquire (Merrill & Smith, 2000, pp. 26–34). Hansmann and Kraakman shift the focus towards verification: property rights that bind subsequent transferees require institutional mechanisms through which the existence, ownership, and legally relevant characteristics of such rights can be verified (Hansmann & Kraakman, 2002, pp. S378–S385). Smith develops a complementary architectural account in which modularity, information hiding, exclusion, governance, and

interfaces organise property relations so that actors need not process the full complexity of the underlying legal relations (Smith, 2012b, pp. 1704–1712). More recent formalisation extends this informational approach by representing Hohfeldian legal relations as a network of actors and relations and by using network structure to analyse legal modularity (Sichelman & Smith, 2024, pp. 1–6). Such formalisation provides a direct comparator for the relational dimensions of the present reconstruction, while leaving open whether relational topology and modularity exhaust the organisation of rules governing relational change, legally specified conditions, available juridical operations, temporal allocation, and consequences.

These approaches substantially constrain the novelty claim available here. Neither relational legal positions, legal transformations, intermediary concepts, structured legal inference, the reduction of information costs by legal architecture, nor the formal network representation of legal relations and modularity is introduced here as a new discovery. The unresolved question lies at another level: what is the theoretical status of the reproducible configuration in which juridically relevant qualifications, differentiated positions, relations, transformation rules, conditions, operations, and consequences are organised together within the institutional symbolic system?

A single legal rule can specify one or several of these dependencies; a Hohfeldian relation can specify the normative connection between two positions; a rule of change can determine how a position or relation is constituted, transferred, modified, or terminated. None of these analytical objects, taken individually, specifies the mode in which the relevant elements and dependencies are organised as a reproducible juridical configuration. Searle's analysis provides a more general institutional antecedent insofar as status functions may be iterated and interlocked within systems of institutionally constituted statuses (Searle, 1995, pp. 79–84). The present inquiry addresses the more specific juridical problem of how qualifications, positions, relations, transformation rules, conditions, operations, and consequences are organised as a reproducible configuration. The problem is therefore configurational without presupposing that existing legal theory lacks concepts for its constituent elements.

The distinction is particularly important because juridical differentiation extends beyond the existence of reciprocal positions at a single moment. The juridical significance of P_i can depend upon the existence or transformation of P_j , upon conditions governing the relation between them, upon an operation available from one position but not another, and upon consequences allocated before or after a legally relevant transformation. Personal substitution may alter the occupant of a position without eliminating the normative dependencies connecting that position to others. Conversely, continuity of the same participants does not guarantee continuity of their juridical relations. Legal ordering must therefore be capable of preserving and transforming structured dependencies independently of the personal identity of the positions' occupants.

This observation explains why the structural problem cannot be reduced to information quantity. Information-cost and verification theories identify important constraints on legal architecture, especially where legal positions must be intelligible to heterogeneous or remote audiences. Yet knowing that a position exists, or verifying who occupies it, does not by itself specify how its juridical significance depends upon other positions, transformations, conditions, operations, and consequences. The present argument does not treat this residual problem as proof of an independent cognitive mechanism. At this stage it establishes only the structural object whose possible cognitive significance will be examined in Section 3.

The same caution applies to the relation between juridical construction and legal institution. Institutional theories of law analyse forms such as contract, ownership, trust, marriage, or the corporation through rules governing their institution, legal consequences, content, and termination (MacCormick & Weinberger, 1986; MacCormick, 2007; Ruiter, 1997, 2001; see also MacCormick, 1998, pp. 337–338). Under these accounts, the normative material identified as a legal institution may overlap substantially with what is reconstructed here as a juridical construction. Traditional doctrinal classifications can produce still other relations between the categories.

No general identity or opposition is therefore presupposed. Juridical construction is neither defined by opposition to the legal institution nor reducible to it. The relation between the two depends on the conception of legal institution employed. A juridical construction can organise material within a doctrinal institution, substantially overlap with an institution identified by a particular institutional theory of law, or connect normative elements conventionally allocated to several institutions. Its distinctive analytical criterion is configurational: the reproducible mode in which juridically relevant elements and normative dependencies are organised.

The requirement for such organisation follows from juridical differentiation itself. Once legal ordering constitutes positions whose significance depends upon specified relations, conditions, transformations,

operations, and consequences, those dependencies require a reproducible mode of organisation if they are to remain institutionally available across changing situations and occupants. This requirement is structural rather than ontological or causal. It does not imply that every legal system must employ a doctrinal category called juridical construction, that each legal relation must possess a separately named construction, or that the relevant organisation is produced by juristic conceptualisation. Nor does it establish that a particular mode of organisation reduces cognitive costs or improves coordination. Those are separate functional questions.

The present reconstruction also develops an earlier line of legal-constructivist inquiry in which juridical construction was treated as a specifically juridical mode of organising normative material, subsequently examined as a methodological unit of intertemporal and interlocal comparison and, later, within a constructivist account of legal normativity and legal communication (Khalabudenko, 2010, 2013, 2015, 2020; see also Khalabudenko, 2025). The present account does not therefore claim novelty for the structural idea of juridical construction as such. Its further claim is to locate juridical construction within the institutional symbolic system, to specify its configurational organisation, and to separate its structural constitution from independently contestable hypotheses concerning practical legal orientation.

The analytical progression can therefore be stated compactly:

Cognitive limitation → institutional symbolic mediation → normative differentiation → juridical differentiation → requirement of configurational organisation.

The arrows indicate an argumentative progression rather than temporal succession, logical entailment, or a deterministic causal sequence. Cognitive limitation establishes the relevance of selective institutional orientation; symbolic mediation identifies the institutional level at which distinctions become reproducible; normative differentiation connects recognised circumstances with positions and consequences; legal normativity differentiates these positions and dependencies juridically; and their interdependence generates the structural problem of reproducible configurational organisation.

Juridical construction names the specifically juridical structural form through which this organisational requirement is reconstructed within the institutional symbolic system.

2.3. Juridical Construction as a Specifically Juridical Structural Form

The terminology retains a genealogical connection with the continental tradition of *juristische Konstruktion*. In Jhering's treatment of legal technique, analysis decomposes legal material into simpler elements (§ 39, pp. 359–379), while logical concentration (§ 40, pp. 379–384) and juridical construction (§ 41, pp. 384–414) reorganise that material for systematic juridical treatment (Jhering, 1858); the problem thereby identified is that legal material cannot remain a collection of singular normative propositions if legally significant relations are to be reproduced beyond the individual case. The present account does not restore that tradition as a doctrinal method or claim that contemporary legal theory has overlooked the idea of legal construction. It relocates the problem within an institutional and structural-cognitive framework and asks what analytical identity juridical construction acquires once law is treated as a specialised normative dimension of an institutional symbolic system.

A juridical construction is reconstructed here as a symbolically stabilised normative configuration that organises legally relevant characteristics and their juridical qualifications, normative positions, structural relations among those positions, rules governing their relations and transformations, legally specified conditions, legally available juridical operations, and juridical consequences. For analytical purposes:

$$C_J = \langle F^{\text{rel}}, Q^J, P, \text{Rel}, \text{Rules}_{\text{Rel}}, \text{Cond}, \Omega, \text{Cons} \rangle.$$

Here, C_J denotes a juridical construction; F^{rel} , characteristics selected as legally relevant; Q^J , their juridical qualifications; P , juridical positions; Rel , structural normative relations among positions; $\text{Rules}_{\text{Rel}}$, rules governing the constitution, modification, persistence, termination, or reallocation of those relations; Cond , legally specified conditions; Ω , legally available juridical operations; and Cons , juridical consequences. The dimensions identify aspects of an organised configuration, not components from which a construction is mechanically assembled.

This formulation requires a distinction between a juridical construction and its theoretical description. A jurist can model ownership, contractual obligation, corporate personality, or *obligatio propter rem* in different ways and with different degrees of adequacy. The theoretical representation is not identical to the juridically organised normative configuration it seeks to reconstruct. Writing $\text{Description}(C_J)$ for such a representation:

$$C_J \neq \text{Description}(C_J).$$

Here, $\text{Description}(C_J)$ denotes a theoretical representation of the juridically organised configuration C_J , while $\neq$ marks their analytical non-identity.

The distinction is important for the present argument. Juridical construction is not introduced as another scholarly model placed alongside existing models of legal institutions. It identifies the juridically organised configuration that the reconstruction takes as its analytical object.

The organisation of the configuration can be analysed through the analytically distinguishable operations of selection, juridical qualification, and normative formation. A practical situation contains indefinitely many characteristics, only some of which are selected as legally relevant. Those characteristics acquire juridical qualifications, and qualified circumstances enter an organisation of positions, relations, conditions, operations, transformation rules, and consequences. These operations should not be understood as three universally sequential events. Existing normative positions can affect which characteristics become legally relevant for a given juridical question, without exhausting the selection of legally relevant characteristics; anticipated consequences can affect qualification; and the legal significance of an operation can depend upon the configuration within which it occurs. Selection, qualification, and normative formation therefore identify analytical operations within juridical organisation rather than a chronology of legal cognition.

One internal distinction, however, requires explicit representation:

$$\text{Rel}(P_i, P_j) \neq \text{Rules}_{\text{Rel}}.$$

Here, P_i and P_j denote distinct indexed juridical positions; $\text{Rel}(P_i, P_j)$ denotes a structural normative relation between them; and $\text{Rules}_{\text{Rel}}$ denotes rules governing the constitution, modification, persistence, termination, dependence, or reallocation of such relations and positions. The inequality sign marks analytical non-identity. A claim-duty relation, for example, is analytically different from a rule under which a transfer, succession, registration, authorisation, default, or adjudicative act changes the person occupying one of the relevant positions or reallocates the consequences attached to it. Hohfeldian correlativity illuminates the first problem; theories of legal change and normative transformation illuminate the second (Hohfeld, 1917, p. 710; Lindahl, 1977, pp. 193–219, 228–260; Lindahl & Odelstad, 2011, pp. 114–116).

This distinction will become particularly important in the *obligatio propter rem* hard case examined in Section 4. There, a legally relevant transformation can substitute the occupant of an object-related position while rules governing the persistence, reallocation, or temporal attribution of obligations determine how other juridical positions are affected. Treating the relation and the rule governing its transformation as the same analytical object would obscure precisely the configurational continuity that the hard case is intended to test.

The analytical identity of a juridical construction accordingly depends on its mode of organisation, not on the absolute invariance of each element. Positions can acquire different occupants, legally relevant conditions can change, operations can be performed, and consequences can arise without every such change producing a different type of juridical construction. Conversely, the same inventory of individual rules or propositions can participate in distinct configurations if the normative dependencies among qualifications, positions, transformations, operations, and consequences are organised differently.

Symbolic stabilisation characterises the institutional mode through which this organisation becomes reproducible (Khalabudenko, 2026, pp. 6–7). A juridical construction need not be contained in a single text, expressed through one legal concept, or explicitly represented as a complete scheme by participants or legal officials. Its elements can be distributed across legislation, judicial decisions, registers, doctrinal categories, standardised documents, procedural forms, and stabilised legal practices. Symbolic stabilisation concerns the institutional reproducibility of the relevant juridical distinctions and dependencies across recurrent situations.

This point preserves the distinction between institutional constitution and mental representation. A juridical position can remain legally constituted although its occupant misunderstands it; a competence can exist without being exercised; a rule governing transformation can remain legally relevant where no participant presently invokes it. Symbolic stabilisation therefore does not require an identical mental model shared among participants, nor does configurational identity depend upon successful practical performance. At the same time, symbolic stabilisation is not detached from institutional practice: juridical configurations are reproduced through practices of recognition, qualification, documentation, interpretation, decision, registration, enforcement, and other legally organised operations.

The relation between juridical construction and legal concept can now be stated more precisely. A legal concept can condense, classify, or provide linguistic access to substantial normative content. It can therefore perform important work in the reproduction and practical accessibility of a juridical construction. Legal concepts may also function as mental representations and cognitive tools without being identical either with their linguistic expressions or with the juridically organised configurations to which they provide access (Jakubiec, 2022, pp. 1840–1843, 1849–1853). Yet the analytical identity of the construction is not exhausted by the concept through which it may be named. The same applies to individual rules and documents: they can constitute, express, or stabilise parts of a juridical configuration without individually specifying its entire mode of organisation. The configurational criterion thus identifies an analytical object without postulating a new ontological species of legal entity.

The resulting theoretical location can be represented as:

Institutional symbolic system → specialised legal normative dimension → juridical construction as its specifically juridical structural form.

These arrows again mark analytical specification rather than causal production or temporal succession. Juridical construction is not a separate symbolic system located inside law. It identifies the specifically juridical mode in which normatively differentiated content is organised and symbolically stabilised within the institutional symbolic system. The structural necessity established in Section 2.2 attaches to this mode of organisation, not to any doctrinal category, terminology, or formal representation that a particular legal system may or may not employ.

This result answers RQ1. If law is approached as a specialised normative dimension of the institutional symbolic system, juridical construction can be reconstructed as the specifically juridical structural form through which differentiated normative content and its dependencies are organised and symbolically stabilised as a reproducible configuration. Its analytical specificity lies in the configurational criterion, not in the novelty of its constituent elements.

The result also establishes a strict boundary for the next stage of the argument. A juridical construction can remain institutionally identifiable where particular participants misunderstand it, fail to recover the normative meaning relevant to a practical question, or do not exercise the operations it makes legally available. The structural reconstruction developed here therefore does not establish that juridical construction reduces cognitive costs, makes normative dependencies contextually recoverable, renders their position-relative significance accessible, produces normative reliability, or generates cognitive integration. Those are independently contestable functional propositions.

The transition to Section 3 can consequently be stated without collapsing the two analytical layers:

$C_J \rightsquigarrow$ differentiated practical legal orientation.

The dashed relation identifies the explanatory problem to be investigated, not a constitutive, definitional, or established causal relation. Section 3 asks what, if anything, the organisation reconstructed here may make possible for practical legal orientation under conditions of cognitive limitation.

3. From Juridical Construction to Differentiated Practical Legal Orientation

Section 2 reconstructed the juridical construction as the specifically juridical structural form through which the normative content of an institutional symbolic system is organised and symbolically stabilised as a reproducible configuration. That structural reconstruction does not establish its cognitive effects. A juridical construction can remain legally constituted even where the occupants of positions organised within it misunderstand relevant dependencies, fail to identify an available juridical operation, or disagree about the consequences attached to their positions. The question pursued in this section is therefore distinct: through which analytically distinguishable relations can the organisation of a juridical construction become relevant to differentiated practical legal orientation?

The problem arises from the combination of cognitive limitation and juridical differentiation. Practical legal orientation rarely requires reconstruction of an entire juridical configuration. A practical legal question is ordinarily situated in relation to a particular juridical position: whether an obligation has arisen, which operation is available, whether a transfer changes the person against whom a claim operates, which conditions govern an exercise of competence, or which consequences remain attributable after a legally relevant transformation. The same construction can accordingly become relevant in different ways to different holders of juridical positions.

The analysis proceeds from selective normative actualisation to the position-relative significance of juridical dependencies and then to the compatibility of differentiated orientations. These distinctions do not

constitute a homogeneous causal sequence. Contextual recoverability and operability concern the practical availability of normatively organised meaning; contextual accessibility of relational normative significance concerns the position-relative significance of that meaning across differentiated juridical positions; normative relatability concerns the organisation of practical orientations with reference to such significance; practically sufficient compatibility supplies a criterion at the configuration level; and cognitive integration characterises a configuration of orientations that satisfies that criterion. Their explanatory relations remain independently contestable.

3.1. Selective Normative Actualisation: Contextual Recoverability and Operability

A symbolically stabilised juridical construction contains more normatively organised material than is ordinarily relevant to a single practical legal question. The practical problem is consequently one of selective normative actualisation. From the wider configuration C_j , a particular question q , considered from juridical position P_i , makes some qualifications, relations, conditions, transformations, operations, and consequences relevant while leaving others in the background.

Selective actualisation is not equivalent to retrieving a stored proposition. Juridical meaning is organised through dependencies: the significance of a rule or qualification can depend on the position from which the question is posed, the legally relevant conditions already satisfied, a transformation that has occurred, and the operation whose juridical availability or consequences are at issue. The relevant object of practical orientation can therefore be represented as $M^j_{(i,q)}$: the juridical normative meaning relevant to position P_i under practical question q . The notation does not imply that every participant constructs a complete mental representation of that meaning. It identifies the position- and question-relative normative content implicated in practical orientation.

Contextual recoverability (CR) characterises the possibility of selectively actualising, from a symbolically stabilised juridical construction, the normative meaning relevant to such a practical legal question. Recoverability is contextual because the relevant normative slice depends upon both the question and the juridical position from which it arises. It is selective because practical orientation need not reproduce the construction as a whole. The relation can be expressed schematically as:

$$CR(C_j, P_i, q) \rightarrow M^j_{(i,q)}.$$

Here C_j denotes the relevant juridical construction; P_i , the juridical position from which the practical question arises; q , the practical legal question; and $M^j_{(i,q)}$, the juridical normative meaning that becomes relevant from that position under that question. The arrow denotes selective actualisation from an organised configuration. It does not denote logical deduction, deterministic cognition, or a claim that every participant successfully recovers the relevant meaning. Institutional arrangements may support cognition through rules, artefacts, practices, and socially distributed tasks (Petracca & Gallagher, 2020, pp. 747–765); contextual recoverability concerns the narrower question whether the juridical meaning relevant to a particular position under a particular question can be selectively actualised in the relevant context.

This conception is narrower than a general theory of legal interpretation. CR does not determine which interpretive method is correct, whether legal language is semantically determinate, or whether disagreement among lawyers can be resolved. Nor does it simply redescribe information availability. A participant may possess the relevant text and know the legally relevant facts while the dependencies needed to determine the normative significance of those materials for the question remain distributed across different rules, qualifications, transformations, or consequences. Information availability and interpretive resources can affect recoverability, but neither is definitionally identical to it.

The practical relevance of recovered normative meaning introduces a second distinction. Legal orientation ordinarily concerns something that can or must be done juridically: making a claim, exercising a competence, transferring a position, registering a change, challenging a decision, satisfying a condition, or determining the legal consequences of an operation. Recall that Ω denotes the set of juridically available operations within the relevant construction. The expression $\Omega_{(i,q)} \subseteq \Omega$ denotes the subset of those operations implicated by question q from position P_i .

Operability (OP) characterises the suitability of contextually actualised normative meaning for determining and normatively orienting those legally relevant operations. It can be represented schematically as:

$$OP(M^J_{(i,q)}, \Omega_{(i,q)}).$$

The formula identifies a relation between two things: first, the normative meaning recovered from the construction for a particular position and question, $M^J_{(i,q)}$; second, the operation or set of operations to which that question directs the participant, $\Omega_{(i,q)}$. It does not assert that an operation is in fact performed. Rather, it asks whether the actualised normative meaning is suitable for identifying the juridical character, conditions, limits, and consequences of the operation implicated by the question.

Operability does not denote a legal power, permission, or factual capacity to act. A power or competence is itself a juridical position; factual capacity concerns what a person can physically or materially do. OP, by contrast, concerns practical orientation to the juridical conditions and consequences of an operation. A legally available operation may remain unexercised, and a participant may correctly understand its legal consequences while deliberately choosing a different course of action.

Contextual recoverability and operability are analytically distinguishable but may be functionally interdependent. Practical orientation need not proceed chronologically from complete recovery of normative meaning to subsequent selection of an operation. An anticipated juridical operation can affect which distinctions within the construction become relevant; conversely, the normative meaning actualised from the construction specifies whether the operation is legally available and under what conditions and with what consequences. The proposed relation can therefore be represented schematically as:

$$CR \leftrightarrow OP.$$

The bidirectional arrow denotes functional interdependence. This does not imply that CR and OP are identical, that one invariably causes the other, or that they occur in a fixed temporal order. It marks reciprocal relevance: the operation at issue helps determine what meaning must be recovered, while recovered meaning helps determine whether and how the operation is juridically available.

This proposition remains a functional hypothesis. Nothing in the structural definition of C_J entails that a juridical configuration is readily recoverable or operable for every participant or practical question. A legally valid construction can be symbolically stabilised yet cognitively demanding, poorly represented, or difficult to use. Conversely, high practical accessibility in a particular setting does not by itself establish the configurational reconstruction developed in Section 2. Structural constitution and cognitive functioning therefore remain analytically separate.

The same distinction prevents cognitive economy from being equated with formal simplicity. A short or apparently simple rule can be difficult to use if it suppresses distinctions needed for qualification or requires extensive reconstruction of dependencies elsewhere. A more differentiated juridical representation can be easier to orient through where it makes the relevant relations, conditions, operations, and consequences selectively available (Khalabudenko, 2026, pp. 7–8). The present article does not attempt to establish a general metric of cognitive economy. Its narrower concern is whether configurational organisation can make a discriminable difference to selective practical orientation.

That concern becomes more demanding once the relevant normative meaning depends upon another juridical position.

3.2. Position-Relative Normative Significance and Normative Relatability

Juridical differentiation means that participants need not confront the same normative significance even where they have access to the same rules and legally relevant facts. The significance of a transfer, registration, default, authorisation, adjudicative act, or other transformation can differ according to the juridical position from which it is considered. What matters to P_i is frequently not simply whether P_j exists or what rule applies to P_j , but what the existence, transformation, or exercise of P_j means for the juridical premises, available operations, or consequences associated with P_i .

This is relational normative significance. It denotes the position-relative juridical significance that another position, relation, transformation, or operation has for the juridical premises, available operations, or consequences associated with P_i . The underlying normative relation is already constituted within the juridical

configuration. The analytical question concerns what that constituted dependency means from another differentiated position.

The distinction can be expressed through four analytically separate levels:

$$Rel(P_i, P_j) \neq A_{Rel}(P_i, P_j | C_j, q) \neq NR(O_i, O_j | C_j, q) \neq PSC.$$

The first expression, $Rel(P_i, P_j)$, denotes a legally constituted normative relation between positions P_i and P_j . It belongs to the structural organisation of C_j reconstructed in Section 2. The second, $A_{Rel}(P_i, P_j | C_j, q)$, denotes the contextual accessibility, from the standpoint of P_i , of the relational normative significance that P_j has for the practical question q within construction C_j . The third, $NR(O_i, O_j | C_j, q)$, denotes the relation between differentiated practical orientations O_i and O_j in that configuration and context. The final term denotes practically sufficient compatibility (PSC), a criterion assessed at the level of the relevant configuration of differentiated orientations. The inequality signs indicate qualitative differentiation rather than quantitative comparison. They mark non-identity: each expression identifies a different analytical object.

Contextual accessibility of relational normative significance (A_{Rel}) characterises the possibility of establishing, in the relevant context, what another juridical position, relation, transformation, or operation signifies for the premises, available operations, or consequences associated with P_i . The question is therefore not simply, “What is P_j ?” but, more specifically, “What juridical difference does the existence, change, or exercise of P_j make to P_i ?”

This distinction must be protected against an immediate reduction to information and verification. Property theory and related analyses of institutional verification have shown why notice, publicity, standardisation, modularity, verification rules, and interfaces can reduce information and measurement costs for heterogeneous audiences (Merrill & Smith, 2000, pp. 26–34; Hansmann & Kraakman, 2002, pp. S378–S385; Smith, 2012b, pp. 1704–1712). Those mechanisms can be decisive. If the relevant difficulty disappears once a participant can ascertain that another position exists, identify its occupant, or verify a legally relevant fact, no additional structural-cognitive explanation is required.

The residual problem is narrower. It arises where the relevant propositions and facts are sufficiently available and verifiable, but practical orientation still requires establishing how a change in one juridical position affects the conditions, operations, or consequences associated with another. In such a case, knowing that another position or transformation exists does not yet specify its position-relative normative significance. A_{Rel} is introduced for this residual explanandum, not as a replacement for established information- or verification-based explanations.

The distinction is equally compatible with relational approaches to institutional cognition. Petracca and Gallagher emphasise that institutional cognition and normativity can be constituted through reciprocal relations, practices, and institutional environments rather than through convergent internal representations (Petracca & Gallagher, 2020, pp. 747–765). The present argument does not claim that such approaches are unable to account for juridically organised relations. It isolates a more specific explanandum within that broader relational perspective: the practical availability of the legally specified, position-relative significance of differentiated juridical dependencies.

Accessibility alone, however, does not describe how differentiated orientations are organised with reference to that significance. A participant may be able to establish what another position means for P_i and still disregard it, orient inconsistently to it, or confront an institutional sequence organised through mechanisms that do not depend upon such orientation. A further distinction is therefore required.

Normative relatability (NR) characterises the institutionally organised sensitivity of differentiated practical orientations to the accessible normative significance of other positions, relations, or operations for their own juridical premises or consequences.

NR is an orientation-level characteristic. It does not describe the legal relation itself, nor does it require actual interaction between the occupants of the relevant positions. Two participants can occupy normatively related positions without communicating; an official can orient to a legally relevant position held by a person never encountered; and a successor can confront consequences produced before entering the relevant juridical configuration. What matters is whether practical orientation from P_i is organised with reference to the legally specified significance that P_j , Rel , or a relevant operation has for P_i .

Normative relatability is also distinct from role complementarity. Roles can coordinate behaviour through established expectations and routines, and their practical content may be negotiated and enacted within particular settings (Bechky, 2006, pp. 3–6, 15–18). Juridical positions, however, need not correspond to such

roles: the same social actor can occupy different juridical positions over time, and a position can pass between actors without any corresponding change in the broader role structure. Where practical orientation changes because a legally effective transformation alters the juridical position while the role structure remains constant, normative relatability identifies a dimension not exhausted by role description. Nor is NR equivalent to common ground, shared knowledge, or agreement. Participants can be normatively relatable while interpreting the merits of a dispute differently or pursuing opposed practical objectives.

Most importantly,

$$A_{\text{Rel}} \neq \text{NR}.$$

The two concepts are not definitionally connected. Making position-relative normative significance accessible does not establish that differentiated orientations are institutionally organised with reference to it. Conversely, observed sensitivity among orientations does not prove that the proposed accessibility mechanism explains it. The relevant relation may be mediated by legal professionals, standardised procedures, institutional routines, technological systems, incentives, enforcement, or other mechanisms that must be distinguished from the accessibility hypothesis itself.

The analytical route from juridical structure to normative relatability is therefore a hypothesis to be discriminated, not a definitional sequence. Configurational organisation may contribute to making position-relative normative significance accessible; such accessibility may in turn matter for the organisation of differentiated practical orientations. Each relation can fail independently.

This distinction also identifies the point at which the unit of analysis changes. CR, OP, and A_{Rel} concern practical orientation from differentiated juridical positions. NR characterises orientations by reference to normatively significant relations with other positions. The next question concerns a configuration of differentiated orientations: when are their differences compatible with the institutional sequence in which the positions are connected?

3.3. Practically Sufficient Compatibility and Cognitive Integration

Normative relatability does not entail compatibility. Participants can orient accurately to the juridical significance of one another's positions while remaining in conflict about substantive interests, disputed facts, legal interpretation, or the outcome they seek. Litigation supplies an obvious example: claimant and respondent can each understand how the other's juridical position bears upon their own while advancing incompatible claims about what the court should decide.

The relevant problem is therefore not whether differentiated orientations become identical. Coordination without complete agreement is already well established. Conventions and common knowledge, focal points and the expressive function of law, and law as a common logic of classification facilitating decentralised enforcement explain how actors can coordinate through shared expectations and sufficiently aligned representations (Lewis, 1969, pp. 5–8, 24–35; McAdams, 2015; McGinn, 2015, pp. 1–2, 10–12; Hadfield & Weingast, 2012). Grounding theory treats mutual understanding as sufficient for current purposes rather than requiring exhaustive identity of meaning (Clark & Brennan, 1991, p. 129). Boundary-object research shows how heterogeneous participants can cooperate around objects that retain different meanings across social worlds (Star & Griesemer, 1989, p. 393), while trading-zone analysis demonstrates forms of local coordination across substantial differences in conceptual or epistemic commitments (Galison, 1997). Organisational research likewise shows that differentiated occupational communities can coordinate despite distinct perspectives and vocabularies (Bechky, 2006, pp. 3–6, 15–18).

These approaches also provide an important competing explanation for the satisfaction of PSC. Where a legally salient focal point generates sufficiently convergent expectations concerning the position, operation, or consequence relevant to a practical question, compatibility may arise without the configurational pathway proposed here performing independent explanatory work. PSC therefore does not presuppose that compatibility is produced by contextual recoverability, relational normative accessibility, or normative relatability. The structural-cognitive hypothesis becomes discriminating only where compatibility varies with the organisation of position-relative juridical dependencies after focal-point salience, common knowledge, convention, and other expectation-coordinating mechanisms are held sufficiently stable.

The juridically specific issue is different. Participants' orientations can differ because law itself constitutes them as occupants of different normative positions. Even under high semantic agreement, $P_i \neq P_j$ can entail different juridical premises, available operations, transformation conditions, and consequences. The

relevant criterion therefore cannot be the amount of shared representation or semantic similarity. It must ask whether the differences among orientations disrupt practical orientation with respect to the normatively organised dependencies through which the respective juridical positions are connected.

Practically sufficient compatibility (PSC) provides that criterion:

Differentiated orientations are practically sufficiently compatible when the differences among them do not disrupt practical orientation with respect to the position-relative juridical premises, available operations, transformations, and consequences through which their respective normative positions are connected within the relevant institutional sequence.

PSC is a criterion, not a mechanism or an additional causal stage. It is selective rather than aggregative. The question is not how similar the participants' orientations are overall, but whether the differences that remain interfere with the juridically relevant dimensions required for orientation within the sequence under consideration.

This formulation also prevents compatibility from being inferred retrospectively from successful behaviour. Successful performance can result from coercion, hierarchy, automation, routine, professional intermediation, incentives, or fortuitous convergence even where the relevant practical orientations are poorly integrated. The threshold of PSC must therefore be specified independently through juridically identifiable points at which incompatibility disrupts orientation.

Four such points are especially relevant. Compatibility is impaired where the relevant participant cannot establish with respect to which other juridical position their own position operates; cannot determine which juridical operation is available from that position under the practical question at issue; cannot determine the conditions under which the position or relation arises, persists, changes, or terminates; or cannot identify the juridical consequences that the transformation or operation produces for that position. These indicators are not exhaustive, but they anchor the criterion in juridically specified dependencies rather than in a general assessment of communicative agreement or behavioural success.

PSC consequently remains compatible with substantial disagreement. Participants can pursue opposed goals, contest legal interpretation, evaluate outcomes differently, or possess different background knowledge while satisfying the criterion with respect to the institutional sequence at issue. Conversely, extensive agreement about general legal propositions does not establish PSC where the participants cannot orient to the position-relative premises, transformations, operations, or consequences through which their juridical positions are connected.

Cognitive integration (CI) characterises the relevant configuration of differentiated practical orientations insofar as those orientations satisfy the criterion of practically sufficient compatibility within the relevant institutional sequence.

The term CI has established uses in philosophy of cognition. In Menary's extended-mind account, cognitive integration concerns hybrid cognitive processes in which neural and bodily activity is coordinated with the manipulation of external representational vehicles in the performance of cognitive tasks (Menary, 2010, pp. 270–275, 278–285); a broader formulation treats cognitive integration in terms of the incorporation of culturally inherited symbolic representations and normative cognitive practices into integrated cognitive systems (Menary, 2018, pp. 187–216). **The concept developed here addresses a different analytical object.** It does not designate the integration of internal cognitive processes with external representational vehicles, person-level cognitive performance, or the incorporation of cultural artefacts and practices into an individual cognitive system. It identifies a relational and context-dependent property of differentiated practical orientations organised within a normatively structured institutional sequence. The shared terminology therefore does not imply identity of theoretical function or explanandum. The present use is likewise distinct from accounts of cognitive institutions in which institutional practices, artefacts, and social interactions are said to constitute or extend cognitive processes (cf. Petracca & Gallagher, 2020, pp. 747–765).

The relation between PSC and CI is therefore criterial rather than causal. PSC specifies when the relevant configuration qualifies as cognitively integrated; it is not a mechanism that produces CI. Cognitive integration, in turn, is not an individual psychological state, consensus, a shared mental model, or identity of interpretation. It is a relational and context-dependent property of organised differentiated orientations.

This definition also preserves the distinction between CI and NR. NR characterises the institutionally organised sensitivity of an orientation to the position-relative normative significance of other positions, relations, or operations. CI concerns whether the relevant configuration of differentiated orientations satisfies PSC. Normative relatability can support practically sufficient compatibility, but the concepts are neither

equivalent nor connected by definitional entailment. Whether variation in NR contributes to variation in satisfaction of PSC is an explanatory hypothesis rather than part of either definition.

The same discipline is required in relating CI to coordination. Coordination can be understood as the organisation or management of dependencies among interdependent activities (Malone & Crowston, 1994, p. 90). Institutional arrangements can achieve this through hierarchy, incentives, enforcement, routines, professional intermediation, technological systems, and other mechanisms that do not require the kind of differentiated practical orientation examined here.

For present purposes, coordination capacity denotes the institutionally organised capacity to maintain the dependencies, differentiated contributions, and transitions required for coordinated activity under the conditions relevant to the institutional domain. Cognitive integration and coordination capacity are analytically distinct:

CI $\neq$ coordination capacity $\neq$ successful coordination.

The inequality signs again mark non-identity. Cognitive integration is a relational property of differentiated orientations; coordination capacity concerns what an institution can maintain or organise; successful coordination describes an outcome in a particular case. None follows automatically from any of the others.

The claim is consequently conditional. Cognitive integration can contribute to coordination capacity where the operation of an institutional sequence depends materially on practical orientation from juridically differentiated positions. Where dependencies are effectively organised through automation, technological mediation, fixed routines, coercive command, professional intermediation, or other mechanisms that render such orientation explanatorily marginal, the structural-cognitive route developed here may contribute little or nothing to the explanation.

This conditional relation supplies a scope restriction without reducing the general structural-cognitive framework to a theory of one coordination mechanism. Different institutional domains may rely on different combinations of symbolic organisation, practical orientation, incentives, hierarchy, routines, enforcement, and technology. The present reconstruction isolates one specifically juridical pathway and makes its intermediate propositions independently contestable. Cognitive integration is neither a universally necessary explanation of coordination nor a sufficient condition of coordinated outcomes. Its contribution to coordination capacity depends on the extent to which a given institutional sequence requires participants or intermediaries to orient to the position-relative normative dependencies connecting differentiated juridical positions. In an orientation-dependent juridical sequence, practically sufficient cognitive integration may become necessary for coordination capacity, although it remains insufficient for successful coordination.

Each of these proposed relations can fail independently; Section 4.3 specifies the conditions under which failure at a particular level narrows, revises, or rejects the corresponding hypothesis.

Section 4 therefore does not ask whether *obligatio propter rem* can be redescribed using the vocabulary developed above. It asks whether the distinctions perform discriminating analytical work in a juridically demanding configuration and whether controlled variation in configurational organisation produces independently identifiable differences at the more proximal levels of contextual recoverability and contextual accessibility of relational normative significance. The doctrinal hard case and fragmentation test thereby move the argument from conceptual reconstruction to discrimination.

4. Hard Case and Discrimination Test

4.1. *Obligatio Propter Rem* as a Discriminating Hard Case

The functional propositions developed in Section 3 require a case in which practical legal orientation depends upon more than the identification of an isolated rule, concept, or bilateral obligation. The case must involve differentiated juridical positions whose significance changes through legally specified transformations while the normative dependencies connecting those positions remain relevant across the change. *Obligatio propter rem* provides such a case because an obligatory position is connected, under conditions specified by positive law, with occupancy of a legally relevant position concerning an object. A change in that position may therefore affect the identification of the debtor, the allocation of future or accrued liabilities, the operations available to a creditor, and the consequences attributable to successive occupants. The category has accordingly been associated with the accessory character of the obligation, the determinability of its passive subject through a relevant real position, and its possible ambulatory character when that position changes (Manna, 2007; Bueres, 2012, pp. 104–106). Hohfeld's distinction between paucital rights, availing against determinate persons, and multital rights, availing against an indefinite class, marks the tension within which the category is situated: the obligation remains

a relation between determinate positions, while the person occupying one of them is determined through a position concerning a thing (Hohfeld, 1917, pp. 718–721, 733–740).

The historical pedigree of the category nevertheless requires caution. Roman law should not be treated as having supplied a fully developed equivalent of the modern doctrine of *obligatio propter rem*. Among the Roman configurations later invoked in its genealogy, the *actio aquae pluviae arcendae* is structurally instructive. The remedy concerned harmful alterations in the flow of rainwater between neighbouring lands and turned on legally differentiated conditions, including the relation between the upper and lower plots, the presence and character of an *opus*, the distinction between natural and artificial changes in the land, and the form of relief available to the affected owner (Pilloni, 2018, pp. 147–155, 160–170). The example exhibits a legally organised connection between the position of a landholder, conditions concerning the land, neighbouring positions, permissible remedial operations, and the consequences of changes in the physical setting, but it does not establish terminological or doctrinal continuity with the modern category. Its relevance here is genealogical and structural.

Modern doctrine equally resists reduction of *obligatio propter rem* to the proposition that an obligation simply “follows the thing.” The relevant legal order must determine which juridical relation to an object is capable of grounding the obligatory position, under what conditions the obligation arises, whether a change in that relation changes the identity of the debtor, how liabilities accrued before and after the change are allocated, and which consequences remain attached to former or present occupants. “Ambulatoriness” consequently compresses several legally distinguishable transformations rather than supplying a complete rule for any of them.

Contemporary Italian private law provides the principal doctrinal baseline for reconstructing these distinctions. Italian doctrine treats the identification of the passive subject, ambulatoriness, typicity, publicity, relations with servitudes and other real rights, condominium obligations, and modes of extinction as distinguishable problems rather than as consequences of a single principle (Manna, 2007). Contemporary case law makes the resulting differentiation especially visible. The *Corte di cassazione* has continued to characterise particular statutory duties as *obbligazioni propter rem*, including the duty under Article 843 of the *Codice civile* to permit access to land where this is necessary for specified works, together with the associated compensation regime (Cass., Sez. II, sent. 16 December 2024, no. 32707). It has also maintained the requirement of typicity, rejecting attempts to create *propter rem* obligations through private autonomy outside legally recognised cases and content (Cass., Sez. II, ord. 14 March 2025, no. 6819, following Cass. no. 26987/2018).

The temporal allocation of condominium liabilities provides the more demanding configuration. In Cass., Sez. II, ord. 20 June 2022, no. 19756, the Court distinguished current ownership from the juridical position relevant to liabilities already generated. Liability towards third-party creditors of the condominium was connected to those who were condominium owners when the relevant obligation arose (for extraordinary works, when the assembly resolution approving them was adopted) rather than to the later acquirer. The Court also read the joint liability of the transferee of a co-ownership share under Article 1104 of the *Codice civile* as liability alongside, not in place of, the transferor, without any transfer of the obligation, and characterised the acquirer’s internal joint liability towards the condominium under Article 63 of the *Disposizioni di attuazione* as an autonomous obligation created by statute rather than an obligation *propter rem*. A change in the object-related position therefore does not, by itself, determine the reallocation of every obligation connected with the object.

Italian law is retained as the baseline because this material permits a sufficiently differentiated reconstruction of typicity, personal substitution, temporal allocation, condominium liabilities, and the distinction between a change in title and a change in an obligatory position. The baseline is not treated as exhaustive of the civil-law category. Materials from Argentina, Brazil, and Colombia serve as comparative controls of structural generality and dogmatic variation. They are not combined with Italian law into a composite trans-systemic regime and do not supply alternative experimental conditions for the fragmentation test in Section 4.3. Their narrower function is to examine whether the distinctions among an object-related position, an obligatory position, their normative relation, the rules governing its transformation, and the resulting consequences remain analytically useful where positive law organises comparable dependencies differently.

4.1.1. Comparative Controls: Divergent Constructions of Propter Rem Obligations

Comparative literature documents considerable variation among real obligations, real burdens, qualitative obligations, and related devices through which duties are connected with property positions (Bueres, 2012). Argentine doctrine provides the first control because it has expressly examined *obligaciones propter rem* at the boundary between real and personal legal relations. Bueres reconstructs the category against *ius in re*, *ius ad rem*, *ius in personam*, real burdens, and related devices, while reviewing competing doctrinal and judicial accounts of the category in Argentine civil law (Bueres, 2012, pp. 104–106). His analysis is particularly useful because it resists an unrestricted inference from economic or factual connection with property to *propter rem* character. In discussing taxes, rates, and contributions relating to immovable property, for example, Bueres argues that such liabilities cannot, absent a legal basis to the contrary, be classified as *propter rem* merely because they concern the property (Bueres, 2012, pp. 122–123). The Argentine material therefore supplies a control against treating connection with an object as sufficient to determine the juridical character or transmission of an obligation.

The same point appears in a different form in Brazilian condominium law. Condominium expenses are treated as *obrigações propter rem*, yet the allocation of liability in transactions involving an unregistered promise of sale has not been determined exclusively by formal title. Under Tema Repetitivo 886, the Superior Tribunal de Justiça held that responsibility depends upon the material legal relation with the property, represented by the purchaser's entry into possession and the condominium's unequivocal knowledge of the transaction; where both are established, the seller ceases to be passively liable for condominium expenses relating to the period during which the purchaser exercised possession (STJ, Tema Repetitivo 886; REsp 1.345.331/RS). Shortly afterwards, the Third Panel distinguished within the same relation between the debt, attributable to the possessor, and liability, which could also reach the registered owner through the property that generated the expense (STJ, REsp 1.442.840/PR, DJe 21 August 2015). The object-related juridical position relevant to debtor identification therefore cannot be reconstructed from registration alone, and the obligatory position itself can be internally differentiated.

The Brazilian configuration is itself legally dynamic. In May 2025, the STJ submitted Tema Repetitivo 886 to reconsideration under Tema 1349, asking whether the registered seller and purchaser possess concurrent passive standing for condominium debts arising after the purchaser enters into possession, independently of the condominium's unequivocal knowledge of the transaction (STJ, Tema Repetitivo 1349; REsp 2.015.740/SP; REsp 2.100.395/SP). This ongoing reconsideration does not weaken the comparative control. It makes its structural point particularly clear: the identity of the debtor cannot be inferred from the physical object or from a generic proposition that condominium obligations are *propter rem*. Positive law must specify which combination of title, possession, publicity, temporal accrual, and other legally relevant conditions determines the obligatory position.

Colombian constitutional jurisprudence provides a third and differently configured control. In *Sentencia C-321/22*, reviewing Article 10 of Law 2161 of 2021, the Constitutional Court characterised *obligaciones propter rem* as obligations arising from the fact of being the owner of movable or immovable property, accessory to the relevant real right, and capable, in the Court's general description, of passing with transfer of that right (Corte Constitucional de Colombia, *Sentencia C-321/22*, para. 130). Applying this conception to vehicle ownership, the Court treated the obligations to acquire and maintain compulsory insurance and to perform the required technical inspection as obligations imposed upon the owner by virtue of the ownership position (paras. 131–132).

The same judgment separates the source of the owner-based obligation from the attribution of sanctioning consequences. The fact that an obligation arises *propter rem* does not make an administrative sanction automatic. The Court required personal attribution and culpability to be established in the administrative contravention procedure and rejected the proposition that a sanction could follow solely from ownership or from the issuance of an infringement notice (paras. 243–245, 260–261, 278–279). Ownership can therefore constitute the legally specified condition for an obligatory position while additional rules determine whether a distinct sanctioning consequence is attributable to the owner.

The three controls do not establish a common trans-systemic doctrine of *obligatio propter rem*. Their value lies in the variation. Argentine doctrine cautions against deriving *propter rem* character from an economic connection with property without the requisite legal basis. Brazilian law shows that debtor identification in a recognised *propter rem* setting can depend on a configuration involving possession, title, notice, and temporal conditions rather than registration alone, and that debt and liability can be allocated differently within one relation. Colombian jurisprudence shows that an owner-based obligation and the

consequences of its breach can be governed by distinct conditions of attribution. Functionally comparable dependencies are thus capable of materially different dogmatic organisation, and functional similarity does not entail dogmatic identity.

The comparative point is therefore structural rather than classificatory. A legally relevant relation to an object may constitute a condition for identifying an obligatory position, but neither the existence of that relation nor its transformation determines by itself the allocation of debtor and creditor positions, accrued or future liabilities, available operations, or juridical consequences. A change in the occupant of an object-related juridical position does not, without more, entail a corresponding substitution of the debtor position. Any such transition depends upon the applicable normative relation, transformation rules, conditions, and consequences: *Rel*, *Rules_{Rel}*, *Cond*, and *Cons*. The comparative controls thereby guard against converting the Italian baseline into a universal doctrinal model. What remains potentially generalisable is the analytical problem: how a legal order organises the dependencies through which occupancy or transformation of an object-related juridical position becomes significant for obligatory positions and their consequences.

4.1.2. Baseline Juridical Configuration

The cognitive analysis requires a single sufficiently determinate positive-law configuration. The remainder of the hard case therefore returns to the Italian baseline. The comparative controls establish which structural dimensions must remain open to doctrinal variation; they do not provide the substantive rules subjected to the fragmentation test.

The starting point is a legally qualified position concerning an object rather than the physical object considered in isolation. Depending upon the applicable regime, ownership, co-ownership, condominium membership, another real right, or another legally specified relation can perform this function. Let $P^{\text{obj}}_A(t_1)$ denote the relevant object-related juridical position occupied by *A* before the legally relevant transformation, and $P^{\text{obj}}_B(t_2)$ the corresponding position occupied by *B* afterwards. Here, t_1 and t_2 denote the relevant temporal points before and after the legally relevant transformation, respectively. Subscripts here identify the occupant by reference to whom a position is designated, not the indexed positions *i* and *j* of Sections 2 and 3. The notation records differentiated juridical positions; it does not assume that a change from P^{obj}_A to P^{obj}_B transfers an existing debtor position from *A* to *B*.

At t_1 , an obligatory dependency can be represented schematically as:

$$Rel(P_D(A), P_C).$$

This relation identifies a normative dependency between debtor and creditor positions. It does not determine what follows when the object-related position changes. In particular, it does not establish whether *B* becomes the occupant of P_D for future obligations, whether liabilities already accrued remain attributable to *A*, whether *A* and *B* become liable concurrently or in different respects, whether *A* is released, or from what legally relevant moment any change takes effect. Those questions belong to *Rules_{Rel}* and *Cond*.

The distinction between *Rel* and *Rules_{Rel}*, introduced in Section 2.3, is therefore directly operative in the hard case. The first identifies the normative relation instantiated among juridical positions; the second identifies the rules governing its constitution, persistence, modification, termination, dependence, or reallocation when legally relevant conditions change. The distinction does not claim novelty compared to Hohfeldian analysis or theories of legal change (Hohfeld, 1917, p. 710; Lindahl, 1977, pp. 193–219, 228–260; Lindahl & Odelstad, 2011, pp. 114–116). Its narrower function is to prevent a constituted normative dependency from being conflated with the rules that determine what happens to that dependency when the position relevant to its constitution changes.

This is why the hard case cannot be compressed into an automatic sequence from P^{obj}_A through $P_D(A)$ and P^{obj}_B to $P_D(B)$. Such a sequence would build substitution into the representation. The familiar proposition that an obligation “passes” with the relevant position can conceal several legally distinct determinations: which position constitutes the relevant connection with the object; when the obligatory position arises; which liabilities have already accrued; whether future obligations arise anew for the successor; whether the former occupant remains liable; whether the creditor position or available enforcement operations change; and which consequences attach to performance or non-performance before and after the transformation.

Depending upon the positive-law regime, a change in P^{obj} can therefore be associated with different configurations: substitution of the debtor in an existing relation; extinction of one obligatory position and constitution of another; allocation of future duties to the current occupant while accrued liabilities remain with

the former occupant; concurrent liability; an autonomous statutory obligation imposed on the acquirer; or another legally specified combination. The comparative controls demonstrate why these alternatives cannot be collapsed into a trans-systemic rule. The Italian baseline supplies the substantive determinations used below.

The configuration can consequently be reconstructed through four interdependent questions. First, which juridical position concerning the object is legally relevant? Second, under which conditions is occupancy of that position connected with an obligatory position and a corresponding creditor position? Third, which normative relations connect those positions? Fourth, what happens to those positions and relations when the object-related position is acquired, transferred, relinquished, terminated, or otherwise modified? Positive law supplies the answers. The structural distinction among the questions permits those answers to be reconstructed without presupposing one particular doctrinal mechanism.

Legally available operations and juridical consequences belong to the same configuration. Acquisition, transfer, performance, enforcement, objection, registration, and, where legally recognised, relinquishment can affect the positions or relations at issue. The question is not simply which rule applies, but which operation is available from a particular position under specified conditions and what juridical consequences the operation, transformation, performance, or non-performance produces.

Temporal differentiation is therefore indispensable. If *A* occupies the object-related position during one period and *B* during another, the question “who is the debtor?” is underspecified. The answer can depend on whether the practical question concerns a future obligation, an obligation accrued before transfer, a liability already due, the creditor’s available enforcement operation, or a consequence generated by non-performance. Personal substitution and transformation of the juridical configuration must remain analytically distinct.

The hard case consequently separates personal continuity from configurational continuity. The occupant of an object-related position can change while positive law continues to provide a reproducible mode for determining which obligatory position arises, how it relates to the creditor position, and how transformations affect accrued and future consequences. Conversely, the same persons can remain involved while their juridical relations change because a condition has occurred or a legally available operation has been exercised. Configurational continuity therefore concerns the reproducibility of the organised dependencies, not the persistence of the same persons or of an unchanged bilateral relation. Relational continuity in the present sense is juridically constituted rather than inferred from a general threshold of structural similarity: the question is whether positive law provides a reproducible mode for determining how differentiated juridical positions and their dependencies persist, change, or are reallocated through a legally specified transformation.

The notation can express the transformation without prejudging its doctrinal consequences:

$$P^{\text{obj}}_A(t_1) \rightarrow P^{\text{obj}}_B(t_2) \text{ under } \text{Rules}_{\text{Rel}} \text{ and } \text{Cond},$$

while its effects upon P_D , P_C , $\text{Rel}(P_D, P_C)$, Ω , and Cons remain matters for legally specified determination. Here, the arrow denotes a legally relevant transformation in the occupancy of the object-related juridical position from *A* at t_1 to *B* at t_2 . It does not denote merely a factual change in possession, argumentative progression, logical entailment, or an automatic transfer of the debtor position.

This reconstruction does not itself establish any cognitive effect. Established private-law doctrine determines which positions exist, when an obligation arises, who occupies the relevant position, which transformations are legally effective, and which consequences follow. The structural-cognitive inquiry begins with a different question: whether the mode in which these determinations are organised makes a discriminable difference to practical legal orientation from the differentiated positions implicated by the configuration.

Obligatio propter rem is therefore a discriminating hard case in two connected senses. Doctrinally, it concentrates object-related and obligatory positions, normative relations, transformation rules, temporal conditions, operations, and consequences while permitting the occupants of relevant positions to change. Analytically, comparative variation prevents those dependencies from being mistaken for consequences of a single universal rule, while the Italian baseline provides a sufficiently determinate configuration for examining their practical accessibility. Nothing in the reconstruction yet establishes contextual recoverability, operability, contextual accessibility of relational normative significance, normative relatability, or practically sufficient compatibility.

Section 4.2 accordingly changes the level of inquiry. Holding the positive-law baseline fixed, it asks how the same configuration becomes relevant to different practical questions from the positions of *A*, *B*, and *C*. The purpose is not to redescribe the doctrine through the vocabulary of Section 3, but to determine which of the proposed functional distinctions perform discriminating analytical work before configurational organisation itself is varied in the fragmentation test.

4.2. Testing Practical Orientation

Assume that the applicable legal regime and the material facts are held constant. Different practical questions nevertheless activate different parts of the configuration. Before acquisition, a prospective successor may need to determine which obligations will attach to the acquired position and under what conditions. At the moment of transfer, the question may concern whether the conditions for substitution have been satisfied. After transfer, the former holder may need to determine which accrued duties remain attributable to the earlier period. A creditor may need to determine against whom a particular claim can be asserted. The configuration is not replaced each time; the practical question affects which part of its organised normative meaning becomes relevant. This is the phenomenon addressed by contextual recoverability (Section 3.1).

The case permits a more demanding question than whether the applicable legal information exists. Suppose that the relevant provisions, legal acts, register entries, dates, and identities of the successive holders are available and sufficiently verifiable. A participant may still need to reconstruct the particular normative slice connecting the change of holder to the position from which a contemplated operation is to be performed. Contextual recoverability is supported where the organisation of the construction permits that position- and question-relevant meaning to be selectively actualised without reconstruction of every proposition belonging to the regime. Operability concerns the further question of whether the actualised meaning is suitable for orienting the relevant operation: acquisition, transfer, performance, demand, challenge, or enforcement. The proposed interdependence of the two becomes testable here rather than definitional. The anticipated operation affects which normative slice is relevant, while the actualised meaning determines the juridical character, conditions, limits, and consequences of that operation.

The case bears most directly on contextual accessibility of relational normative significance (Section 3.2). Suppose that *A*'s former position, *B*'s present position, the fact and time of the transfer, and the governing rules are all sufficiently ascertainable. The creditor occupying *P_C* must nevertheless determine what the substitution means for its own position: whether a claim remains directed against *A*, arises against *B*, is temporally divided between them, or depends on further legally specified conditions. The condominium decision discussed above shows that this determination is not trivial even where title and dates are known, since liability towards third parties follows the moment at which the obligation arose rather than the current ownership of the unit. *B*, correspondingly, must determine which consequences of the pre-existing relation bear on the newly occupied position. The residual question concerns the dependency connecting the transformation of one position to the premises, operations, or consequences of another. *A_{Rel}* adds nothing if that difficulty disappears once the participants receive adequate information about the law and facts, can verify the transfer, and can interpret the governing provisions by ordinary doctrinal methods. It becomes discriminating only where those conditions are controlled and variation remains in the accessibility of position-relative significance.

Normative relatability and practically sufficient compatibility lie further from the doctrinal configuration and are correspondingly more conditional. The role control specified in Section 3.2 applies directly: a legally effective transfer changes *B*'s juridical position, and with it what *C* must treat as normatively relevant, without any corresponding change in the broader role structure or in contemporaneous interaction among the participants. If practical orientation changes because the legally constituted position and its consequences change while behavioural and role conditions remain sufficiently stable, the juridical relation supplies explanatory information not captured by role description. Whether differentiated orientations are in fact organised with sensitivity to that significance, however, depends on mechanisms such as professional advice, notarial practice, and condominium administration that the case does not isolate.

Practically sufficient compatibility is more distal still. A creditor may demand performance that a purported debtor contests; a successor may dispute whether an obligation falls within a typical category; a former holder may contest temporal allocation. Such opposition does not by itself reach the disruption points specified in Section 3.3. Participants can disagree about whether a condition has been satisfied while orienting to the same legally organised question of its satisfaction, and they can disagree about the allocation of an accrued obligation while recognising that the temporal relation between transfer and accrual is legally relevant to it. Disruption arises only where a participant cannot establish with respect to whom its position operates, which operation is available, under what conditions substitution alters the relation, or which consequences the transformation produces for its own position. A dispute can therefore exhibit cognitive integration in the relevant sense while remaining substantively unresolved, and apparently coordinated conduct does not establish it.

The hard case accordingly performs a discriminating rather than confirmatory function. It demonstrates a configuration in which personal substitution and normative continuity must be analysed together, separates structural reproduction from practical orientation, and isolates the relational problem more sharply than an ownership–obligation formula permits. These results remain compatible with a deflationary conclusion: if ordinary doctrinal analysis, information and verification mechanisms, legal concepts, role structures, and theories of legal change fully explain each transition, the structural-cognitive categories add no independent discrimination at this level. The case cannot decide that question by itself, because its normative content and doctrinal organisation are given rather than varied.

4.3. Fragmentation as a Discrimination Test

A stronger test requires variation at the level at which the hypothesis attributes explanatory significance. Comparing different substantive rules would conflate differences in normative content with differences in organisation; comparing Italian *obligatio propter rem* with a functionally similar arrangement elsewhere would introduce simultaneous variation in positive law, doctrinal classification, institutional practice, and terminology. The test developed here is instead a within-regime, proposition-preserving analytical perturbation. The Italian baseline reconstructed in Section 4.1.2 supplies the reference configuration. Its materially relevant propositions are considered under different modes of organisation while their substantive juridical content, informational availability, and conditions of verification are held as constant as the analytical exercise permits. The test is counterfactual and discriminative; it does not claim that Italian law exists in two experimentally separable versions.

Configurational fragmentation must be defined independently of the effects the test is designed to detect. It cannot mean that a regime is difficult to understand, costly, badly drafted, or unsuccessful in coordinating conduct, since each description would build the dependent variable into the independent one. Nor can it be identified with the number or physical distribution of legal sources: a configuration constituted through several statutes, decisions, and registers can remain integrated if its dependencies are explicit, while concentration in a single provision does not guarantee integration. For present purposes, configurational fragmentation denotes a mode of normative organisation in which the juridically relevant propositions constituting a dependency remain legally available, while the connections through which positions, conditions, transformations, operations, and consequences form that dependency are represented with a lower degree of structural explicitness.

Structural explicitness is specified through four properties of the representation itself, so that the independent variable can be identified without reference to any participant's performance: whether the propositions constituting the dependency carry express cross-references to one another; whether the positions they concern are designated consistently; whether the temporal allocation of liabilities is stated by an express rule rather than left to be derived; and whether the sequence from the position concerning the object through the transformation to the consequences for each position is specified rather than implied. A configuration is more fragmented as fewer of these properties are present. Traceability belongs to the hypothesised effect and is excluded from the definition. Configurational integration, the contrasting condition, does not mean simplicity: a highly differentiated construction is integrated where its distinctions and dependencies are organised in a reproducible form. Complexity can therefore remain constant while organisation varies.

Configurational fragmentation must also be distinguished from quantitative properties that can be assigned to legal information or relational structure. Information-theoretic approaches can represent specified forms of legal uncertainty through entropy measures (Sichelman, 2021, pp. 3–4, 6–10), while network-theoretic models can represent Hohfeldian legal relations as edges among actors and quantify properties of the resulting relational topology, including modularity (Sichelman & Smith, 2024, pp. 5–6, 8–11). Neither measure is treated here as equivalent to configurational fragmentation. The present test concerns whether materially comparable substantive juridical determinations are organised so that the dependencies among positions, relational rules, conditions, temporal transformations, available operations, and consequences are expressly represented or instead require additional intermediate normative determinations for their reconstruction. Entropy and network measures therefore constitute competing or complementary operationalisations where they capture variation that might otherwise be attributed to configurational organisation.

The integrated condition preserves the *propter rem* propositions while representing their dependencies as a connected configuration. The fragmented condition preserves the same materially relevant propositions (the object-related position, the obligation, the transfer, accrued liability, the creditor position, available operations, and consequences) but removes the four representational properties by an operation specified in advance and applied uniformly. Everything else relevant to the controls is preserved as far as the construction permits, including the set of propositions, their wording, their legal availability, the evidence for the underlying facts, and the quantity of material. The last control matters independently: if the fragmented condition

presented more material, any difference could be attributed to volume rather than organisation. The perturbation does not delete $Rules_{Rel}$, change Rel , substitute different consequences, or remove information about legally relevant events, since any of these would alter content rather than organisation.

The comparison is proposition-preserving only in a qualified sense. The organisation of legal dependencies can itself bear normative significance, and if the mode of organisation is part of what makes a juridical construction the configuration it is, changing that mode cannot coherently be described as leaving the construction wholly identical. The appropriate control is therefore material comparability of the substantive juridical determinations (P , Rel , $Rules_{Rel}$, $Cond$, Ω , and $Cons$) rather than a fictitious assertion of complete normative identity.

A fragmentation effect has structural-cognitive significance only if competing explanations are kept active. Information availability must be held sufficiently constant, since a condition that discloses the obligation, transfer, or creditor while the other does not would produce an ordinary informational asymmetry; property law's mechanisms of publicity, standardisation, and notice address precisely that problem. Verification conditions must remain comparable, since inability to verify a title, registration, or triggering fact is a different problem. Interpretive difficulty must be distinguished from structural explicitness by holding the semantic and doctrinal determinacy of the propositions as stable as possible. The quantity of normative material must be held constant. Where the compared representations also differ in measurable relational topology, network modularity, or informational uncertainty, those differences must likewise be treated as competing explanatory variables rather than attributed to configurational fragmentation.

Finally, where the more distal outcomes are considered, the test must control for mechanisms capable of organising conduct independently of the proposed pathway: professional expertise, role structures, communicative grounding, shared conventions, focal points, enforcement, incentives, hierarchy, and routine. The hypothesis does not displace information-cost, verification, Hohfeldian, role-based, grounding, boundary-object, or dependency-based accounts. Its residual claim is narrower: where materially comparable propositions and their verification conditions are held sufficiently stable, the mode in which position-relative juridical dependencies are organised may make an additional difference to practical orientation.

The comparison requires an indicator that does not depend on the analyst's impression of either condition. The indicator used here is the number and type of intermediate normative determinations required to connect the propositions expressly supplied by the representation to the juridical determination requested by a fixed question. The questions, which operationalise the four disruption points of Section 3.3 from each of the three positions implicated by the transformation, are identical across both conditions and are specified before either condition is examined.

Table 1. Position-Relative Questions for Testing Configurational Fragmentation

Disruption point	Transferor A	Transferee B	Creditor C
Relational connection	(1) With respect to which positions does A 's position continue to operate after the transfer?	(5) With respect to which positions does B 's newly acquired position operate?	(9) With respect to which debtor position or positions does P_C operate before and after the transfer?
Available operation	(2) Which operations remain available to A in relation to obligations connected with the period of A 's occupancy?	(6) Which operations become available to B by virtue of occupying the position?	(10) Which operations are available from P_C against the former or current occupant?
Conditions of change	(3) Under what conditions does the transfer terminate, preserve, or modify A 's obligatory position?	(7) Under what conditions does acquisition create, modify, or otherwise affect B 's obligatory position?	(11) Under what conditions does the transfer modify the person against whom, or the basis on which, those operations are available?
Consequences	(4) Which consequences of obligations arising or accruing before the transfer remain attributable to A ?	(8) Which consequences arising before, at, or after the transfer become attributable to B ?	(12) Which consequences of accrual, transfer, performance, or non-performance affect P_C across the transformation?

The substantive answers are not the dependent variable; they are fixed, so far as the materially comparable determinations permit, across the two conditions. What is compared is the reconstructive route required to reach them. For each question, the analysis records the number and type of intermediate determinations that must be reconstructed between the expressly supplied propositions and the required determination. Type is specified in advance through categories derived from the dimensions of Section 2.3:

position identification, relational connection, transformation, temporal allocation, and the connection between an operation and its consequences. The expression *intermediate normative determination* is used here operationally, for the reconstructive steps required by a fixed question, and is not identical with the technical category of intermediaries and intervenients in normative systems (cf. Lindahl & Odelstad, 2011, pp. 113–116). The unit of analysis is the representation rather than the cognition of an actual participant, and the results are reported as a pattern across the twelve questions and two conditions rather than aggregated into a single score, since nothing in the framework warrants treating one relational determination as equivalent to one temporal determination. The resulting indicator is therefore not a measure of psychological cognitive load, legal entropy, network density, or network modularity. It identifies the reconstructive structure intervening between the juridical propositions expressly supplied by a representation and the position-relative juridical determination requested by a fixed question.

The choice of reconstructive route as the indicator follows from the explanandum rather than from an attempt to approximate informational cost indirectly. The proximal hypotheses concern whether a position-relative juridical determination can be selectively actualised from an organised configuration and whether the normative significance of a transformation for another position is contextually accessible. The relevant variation is therefore not, in the first instance, the total amount of information contained in the regime or the aggregate uncertainty associated with its legal relations, but the normative mediation required to connect what the representation expressly supplies with the position-relative determination fixed by the question. Counting and classifying intermediate determinations operationalises that mediation directly. Information-theoretic or network measures remain preferable explanations where variation in entropy, topology, or modularity accounts for the same difference without reference to the additional reconstructive structure.

The predictions follow the proximal–distal ordering stated in the Introduction. The most proximal prediction concerns contextual recoverability: where the same propositions are organised more explicitly, a question q should permit the position-relevant meaning to be selectively actualised with less need to reconstruct unrelated portions of the regime. The more distinctive prediction concerns A_{Rel} : where a participant can identify the relevant positions, ascertain that a legally effective transformation has occurred, and verify the applicable propositions, reduced explicitness of the dependency connecting that transformation to the participant's own premises, operations, or consequences can nevertheless reduce the contextual accessibility of its relational significance. Effects on normative relatability are more conditional, because participants may reconstruct the relevant significance through professional advice, established practice, repeated interaction, or institutional roles. Practically sufficient compatibility requires its own test: whether fragmentation produces differences that reach the disruption points themselves. Cognitive integration lies one step further, since evidence of structural fragmentation cannot establish its absence directly. Behavioural success is not used as a proxy at any level. A transaction may be completed despite fragmentation because an intermediary reconstructs the dependency, and it may fail for financial or strategic reasons although orientations remain compatible. Accordingly, an explanation of why fragmentation emerges under conditions of informational or systemic complexity would address a different question unless it also predicts variation in the reconstructive route operationalised here.

The results must be interpreted modularly. The clearest adverse result would arise if substantial variation in configurational organisation produced no discriminable difference in the reconstructive route required by the fixed position-relative questions once substantive determinations, information availability, verification, semantic determinacy, and quantity of material were controlled. Stated through the independently specified indicator, the questions would require materially the same number and type of intermediate normative determinations in both conditions. Such a result would undermine the proposed reconstructive effect of configurational organisation and would provide no support for the hypothesised route from configurational organisation towards contextual recoverability or relational normative accessibility.

A second adverse result would arise if an apparent effect disappeared once informational or verificational variables were controlled, in which case explanatory work should be allocated to those mechanisms. Partial support for the broader functional account is possible: independently established effects on CR or A_{Rel} may occur without corresponding effects on NR, PSC, or CI, supporting a narrower claim while requiring the distal propositions to be revised. The same modular logic applies at each further step. If accessibility varies without a corresponding difference in NR, the proposed relation between them requires revision; if NR varies while satisfaction of PSC does not, the route from relatability to compatibility is weakened; and if CI is present without any discriminable contribution to coordination capacity under orientation-dependent conditions, the coordinative hypothesis must be narrowed. The reverse pattern, in which

relatability or compatibility persists despite low explicitness, requires identification of the compensating mechanism rather than treatment as an anomaly. These possibilities follow from the anti-ad-hoc constraint stated in Section 1: the framework is revised at the point of failure rather than protected by adding another concept.

Positive findings require equal restraint. Evidence that fragmentation changes the reconstructive route under the specified controls would support the proposition that mode of organisation matters to reconstructive structure. It would not by itself establish that fragmentation reduces CR or *ARel* for actual participants; those remain further functional hypotheses requiring independent empirical operationalisation. Nor would such a result establish that juridical construction is reducible to its cognitive effects, that every valid construction must maximise accessibility, or that integration invariably improves coordination. Nor does the test bear on the primary claim of Section 2, which has its own conditions of failure: that claim loses analytical value if juridical construction can be reduced without loss to an established legal concept, or if the configurational criterion adds no discrimination beyond existing accounts of legal institutions, normative systems, or legal positions. Juridical construction is not defined by cognitive success, configurational integration is not defined by ease of orientation, and cognitive integration is not inferred from successful coordination. The propositions connecting these levels remain hypotheses rather than concealed components of their definitions.

5. Discussion

5.1. Theoretical Contribution: From Juridical Structure to Practical Orientation

The principal result of the reconstruction is a separation of two questions that are frequently brought together too quickly: how juridically differentiated normative content is institutionally organised, and what that organisation may make possible for practical legal orientation. The first question is structural; the second is functional. Treating them separately is necessary because neither follows from the other. A legally constituted configuration can remain valid and institutionally reproducible where the occupants of positions organised within it misunderstand relevant dependencies or find them difficult to use. Conversely, evidence that a particular representation facilitates practical orientation does not by itself establish the theoretical identity of the juridical structure represented.

At the structural level, the article locates juridical construction within the institutional symbolic system. The article approaches law as a specialised normative dimension of that system, and juridical construction as the specifically juridical structural form through which legally relevant qualifications, differentiated positions, normative relations, transformation rules, conditions, operations, and consequences are organised and symbolically stabilised as a reproducible configuration. The contribution is therefore not the identification of previously unnoticed constituent elements. Normative positions, correlativity, rules of legal change, intermediary legal concepts, institutional forms, and information-reducing legal structures already have substantial theoretical pedigrees (Hohfeld, 1917, p. 710; Lindahl, 1977, pp. 193–219, 228–260; Lindahl & Odelstad, 2011, pp. 113–116; MacCormick & Weinberger, 1986; Ruiter, 1997, 2001; Smith, 2012a; 2012b, pp. 1704–1712). Recent formal approaches reinforce this constraint on the novelty claim. Network-theoretic representation of Hohfeldian relations shows that part of the relational organisation of legal positions can be represented and quantitatively analysed without the configurational vocabulary proposed here (Sichelman & Smith, 2024, pp. 5–6, 8–11), while information-theoretic approaches provide formal measures of specified forms of legal uncertainty (Sichelman, 2021, pp. 3–9). The significance of the present reconstruction consequently depends on whether distinguishing relational structure from rules governing its transformation, as well as from legally specified conditions, available juridical operations, temporal allocation, and consequences provides analytical discrimination that these formalisations do not themselves supply. The proposed contribution lies in their theoretical location within a configurational account of the juridical dimension of institutional symbolic organisation.

This location also explains the qualified necessity attributed to juridical construction. The claim is neither that every legal order must possess a doctrinal category bearing that name nor that juridical construction constitutes an ontologically independent legal entity. The requirement follows from juridical differentiation. Where the significance of one position depends upon relations with other positions, legally specified conditions, rules governing transformation, available operations, and consequences allocated across positions and time, those dependencies require a reproducible mode of organisation if they are to remain institutionally constituted across changing situations and occupants. Juridical construction names that specifically juridical mode of organisation within the present reconstruction.

The hard case clarifies the point. *Obligatio propter rem* cannot be adequately reconstructed by assuming that an obligation simply follows an object. The Italian baseline differentiates title, the moment at which an obligation arises, accrued and future liabilities, statutory liability of an acquirer, and the continuing position of a transferor. The comparative controls examine whether functionally comparable dependencies receive different dogmatic organisation across the civil-law jurisdictions considered here. Their evidential reach is correspondingly limited: they test the persistence of the proposed configurational distinctions across substantial dogmatic variation within that legal family, but do not establish their trans-systemic universality. This does not assert a completed trans-systemic typology. The analytical value of the configurational approach lies in allowing such variation to be represented without treating one positive-law solution as the definition of the category.

The resulting generality is structural rather than doctrinal. The proposed schema does not assert a trans-systemic rule governing *propter rem* obligations. It identifies questions that remain analytically distinct across doctrinal variation: which juridical position is legally relevant, which relations connect it with other positions, which rules govern transformations of those relations, which conditions trigger those transformations, which operations become available, and which consequences follow. Whether this configurational criterion provides sufficient discrimination beyond existing theories of legal institutions and normative systems remains a condition of the structural claim itself. If the same analytical work can be performed without loss by an established category, the independent value attributed to juridical construction must be correspondingly narrowed.

The second result concerns cognitive functioning. Once juridical construction is defined independently of cognitive success, the relevant question becomes what its organisation may make possible for differentiated practical orientation. Section 3 decomposed this question rather than treating “cognitive accessibility” as a single effect. Contextual recoverability concerns selective actualisation of the normative meaning relevant to a position and practical question; operability concerns the suitability of that meaning for orienting the juridical operations implicated by the question; contextual accessibility of relational normative significance concerns what another position, relation, transformation, or operation means for the premises, operations, or consequences associated with P_i ; and normative relatability concerns the organised sensitivity of differentiated orientations to that significance. These distinctions identify progressively different explananda and therefore permit failure at one level without forcing failure at every other level.

The resulting concept of cognitive integration should accordingly be distinguished from established accounts of hybrid cognitive processes integrating neural, bodily, and external representational resources and from broader cognitive-integration approaches to culturally scaffolded cognition (Menary, 2010, pp. 270–275, 278–285; 2018, pp. 187–216). Its proposed specificity lies in treating integration as a relational property of differentiated practical orientations assessed against the criterion of practically sufficient compatibility within a normatively organised institutional sequence.

This decomposition is particularly important for the relation between juridical differentiation and cognitive integration. The framework does not require the occupants of differentiated legal positions to converge upon identical representations. Their orientations can differ precisely because their juridical positions differ. The relevant question is whether those differences disrupt orientation to the juridical premises, operations, transformations, and consequences through which the positions are connected. Practically sufficient compatibility was introduced as a criterion for answering that question, and cognitive integration as a property of a configuration of differentiated orientations satisfying that criterion. The relation is criterial rather than causal.

The argument consequently differs from an account in which successful coordination retrospectively demonstrates cognitive integration. The threshold of practically sufficient compatibility is specified through position-relative disruption points independently of successful performance. Participants may satisfy it while remaining in legal conflict, and coordinated conduct may occur without it through hierarchy, coercion, routine, automation, professional intermediation, or other mechanisms. Cognitive integration can contribute to coordination capacity where an institutional sequence materially depends upon differentiated practical orientation, but it is neither a necessary explanation nor a sufficient condition of coordinated outcomes.

5.2. What the Hard Case and Fragmentation Test Can Establish

The methodological status of Section 4 follows from this separation of claims. The *obligatio propter rem* analysis is a doctrinal hard case, not an empirical confirmation of the structural-cognitive theory. Its value lies in forcing the reconstruction to distinguish personal substitution from configurational transformation, normative relations from rules governing their change, and current occupancy from the temporal allocation of liabilities and consequences. If those distinctions merely rename results already supplied by ordinary doctrinal analysis, the hard case provides no independent support for a stronger explanatory claim.

The comparative controls reinforce this discriminating function without converting the study into a comparative-law experiment. Argentina, Brazil, and Colombia are used to expose dogmatic variation in functionally comparable dependencies. They therefore test whether the structural vocabulary is sufficiently abstract to avoid encoding one Italian doctrinal solution as a universal rule. They do not establish that the same cognitive effects occur across those jurisdictions. That question would require separate comparative and empirical designs.

The fragmentation test addresses a different issue. Its immediate target is not the legal validity of the propositions constituting the Italian baseline but the hypothesis that their mode of organisation makes a discriminable difference to the reconstructive structure required for position-relative juridical orientation. The design therefore holds materially comparable substantive juridical determinations, information availability, verification conditions, the semantic and doctrinal determinacy of the propositions, and the quantity of normative material sufficiently stable while varying independently specified properties of configurational organisation. The independently specified indicator concerns the reconstructive route: the number and type of intermediate normative determinations required to connect expressly supplied propositions with the determination requested by fixed position-relative questions.

This design provides a stronger constraint than illustrative application because the indicator is specified independently of the cognitive effects that the framework seeks to explain. A favourable result at the most proximal level would establish, within the analytical comparison, that variation in configurational organisation changes the reconstructive route required to reach a position-relative juridical determination under the specified controls. Whether such a difference in reconstructive route also affects contextual recoverability or the contextual accessibility of relational normative significance for actual participants remains a further functional hypothesis. A favourable result would therefore not establish that those effects constitute juridical construction or that integrated organisation necessarily produces cognitive integration.

The same modularity applies to adverse results. If the integrated and fragmented conditions require materially the same reconstructive route, the proposed reconstructive effect of configurational organisation fails, and the test provides no support for the hypothesised route towards contextual recoverability or relational normative accessibility. If the difference disappears once information availability, verification, semantic determinacy, or quantity of material is controlled, explanatory work belongs to those established mechanisms. If accessibility varies while normative relatability does not, the proposed relation between them requires revision. Variation in normative relatability without a difference at the disruption points would weaken the route to practically sufficient compatibility. The framework therefore permits local failure rather than requiring every negative result to be treated as a challenge to the entire reconstruction.

The fragmentation design remains an analytical test rather than an empirical cognitive experiment. Nor is it proposed as a quantitative measure of legal complexity. **The fragmentation indicator and information entropy are therefore neither competing metrics of the same variable nor interchangeable measures of legal complexity. Information-theoretic measures quantify specified forms of uncertainty or informational content, whereas the present indicator tracks whether configurational variation changes the number and type of intermediate normative determinations required to answer fixed position-relative juridical questions** (Sichelman, 2021, pp. 3–9). Legal entropy, network topology, and network modularity may describe properties that covary with configurational organisation (Sichelman, 2021, pp. 3–9; Sichelman & Smith, 2024, pp. 5–6, 8–11), but the present test isolates a different dependent indicator: the number and type of intermediate normative determinations required to connect expressly represented juridical propositions to the determination requested by a fixed position-relative question.

A favourable result would therefore support the claim that mode of organisation matters to reconstructive structure under the specified controls; it would not by itself establish a general law of cognitive load, an entropy effect, or a causal relation between network structure and practical legal cognition. Its unit of analysis is the representation and the reconstructive route required by fixed juridical questions, not reaction time, error frequency, participant comprehension, or actual legal behaviour. Empirical claims concerning such

outcomes would require experiments or observational studies with legally relevant participant populations. The present design performs a prior methodological task: it identifies which propositions can be separated and what would count as discriminating evidence before introducing behavioural measures.

A related limitation concerns digital and computational forms of legal organisation. Interface-based models may preserve continuity across heterogeneous legal domains by routing events through successive transformations even where no unified semantic representation is supplied. Such routing can constitute a competing or complementary explanation where the relevant effect follows from stable processing architecture rather than from the configurational organisation specified here. The fragmentation test should therefore allocate explanatory work to routing, automation, or other technical mechanisms wherever they account for the observed difference. Methodologies for validating legal-governance models in smart legal ecosystems likewise distinguish formal validity from empirical legal validation and require the relevant model, its relationships, and the validation process to be specified independently rather than treating formal representation as self-validating (Casanovas et al., 2024, pp. 1–3, 11–13). The present design adds discriminating alternatives and an independently specified indicator to that requirement.

5.3. Scope and Research Implications

The scope of the argument should therefore be stated at two levels. The structural reconstruction has the broader ambition. It proposes juridical construction as a general analytical category for reconstructing the organisation of normatively differentiated legal content within institutional symbolic systems. Its generality does not depend upon the recurrence of *obligatio propter rem* or upon private-law doctrine. It depends upon whether the configurational criterion remains discriminating where legal ordering organises differentiated positions, relations, transformations, conditions, operations, and consequences in other domains.

The functional propositions have narrower and explicitly conditional scope. Their relevance increases where institutional operation depends materially upon participants or intermediaries being able to orient selectively from differentiated juridical positions. It decreases where the relevant dependencies are effectively managed through mechanisms that make such orientation marginal. The framework therefore predicts neither that a more explicitly organised juridical configuration is always cognitively superior nor that greater cognitive integration always produces better coordination. Institutional domains can combine symbolic organisation, professional expertise, routines, incentives, enforcement, hierarchy, technological mediation, and differentiated practical orientation in different proportions.

A further limitation concerns normative evaluation. Cognitive economy, contextual recoverability, and the contextual accessibility of relational normative significance are analytical properties of juridical organisation rather than criteria of its justice. A juridical architecture may reduce reconstructive demands, facilitate position-relative orientation, or sustain coordination while preserving distributions of rights, powers, liabilities, resources, or opportunities that remain objectionable on independent normative grounds. Conversely, commitments to distributive justice, substantive equality, participation, or the protection of vulnerable positions may require additional differentiation, context-sensitive qualifications, or institutional permeability even where these increase informational or reconstructive demands. No inference from cognitive economy or contextual accessibility to normative desirability is therefore warranted within the present framework.

The same distinction limits informational and modular explanations of legal architecture. Informational accounts of standardisation, information shielding, and modularity explain functional advantages associated with reducing information, measurement, or verification costs (Merrill & Smith, 2000, pp. 26–34; Smith, 2012b, pp. 1704–1712; Sichelman, 2021, pp. 10–13). Those explanations do not by themselves supply a criterion for determining how juridical positions ought to be distributed or which interests ought to receive legal protection. Normative evaluation may therefore favour forms of differentiation or institutional permeability that impose additional informational or reconstructive demands. Functional advantages of modularity and normative justification must accordingly remain analytically distinct.

Further research should accordingly proceed through discriminating cases rather than through accumulation of confirming illustrations. Organisational and corporate law can test configurations in which competences and liabilities are distributed among offices whose occupants change. Administrative law can test sequences connecting competence, procedure, participation, review, and legal consequences across differentiated public and private positions. Procedural law can test configurations in which access, participation, challenge, and control depend upon position-specific procedural operations. Digital legal

environments provide a particularly demanding extension because interfaces, automated qualification, registers, decision-support systems, and machine-executable rules may mediate legal orientation.

The comparative dimension can likewise be extended without assuming doctrinal convergence. The appropriate question is whether different legal orders organise functionally comparable dependencies through configurations that can be reconstructed using the same analytical distinctions while permitting their substantive rules and doctrinal classifications to differ. A failure of the schema to preserve legally material differences would count against its claimed generality.

The framework is therefore designed to remain revisable at both levels. The structural claim loses analytical force if juridical construction adds no discrimination beyond established accounts of legal concepts, institutions, normative systems, positions, and legal change. The functional hypotheses lose force wherever configurational organisation produces no independently discriminable difference once competing mechanisms are controlled. Their combination is valuable only if the structural reconstruction identifies a distinct analytical object and the functional inquiry generates separately testable questions about what its organisation may make possible for differentiated practical legal orientation.

6. Conclusion

This article has examined how the specifically juridical organisation of an institutional symbolic system can be reconstructed without reducing legal normativity either to isolated rules and concepts or to the cognitive states of its participants. The answer to RQ1 is structural. Law can be approached as a specialised normative dimension of the institutional symbolic system, and juridical construction as the specifically juridical structural form through which legally relevant qualifications, differentiated positions, normative relations, transformation rules, conditions, operations, and consequences are organised and symbolically stabilised as a reproducible configuration. Its analytical specificity lies in this configurational criterion rather than in the novelty of its constituent elements.

The necessity attributed to juridical construction is correspondingly limited but substantive. Juridically differentiated positions acquire significance through legally specified dependencies that must remain institutionally reproducible across changes of circumstances and occupants. Those dependencies require a reproducible mode of organisation. Juridical construction names that mode within the present theoretical reconstruction; it does not presuppose a particular doctrinal category, terminology, formal representation, or theory of legal institutions.

RQ2 required a separate analysis because structural constitution does not entail cognitive functioning. Starting from the problem of selective normative actualisation, the article distinguished contextual recoverability, operability, contextual accessibility of relational normative significance, and normative relatability as analytically different relations through which configurational organisation may become relevant to practical legal orientation. Their differentiation prevents information availability, verification, interpretation, relational legal structure, and orientation sensitivity from being treated as interchangeable explanations.

Practically sufficient compatibility supplies the criterion at which the analysis moves from individual position-relative orientations to their organised configuration. Differentiated orientations satisfy that criterion where their differences do not disrupt practical orientation to the juridical premises, available operations, transformations, and consequences through which the relevant positions are connected. Cognitive integration characterises a normatively organised configuration of differentiated orientations insofar as they satisfy that criterion. It therefore requires neither cognitive homogenisation nor agreement concerning substantive interests or legal outcomes. Its relation to coordination remains conditional: cognitive integration can contribute to coordination capacity where an institutional sequence materially depends upon differentiated practical orientation, but it is neither necessary nor sufficient for successful coordination. These functional properties are in turn analytically distinct from normative evaluation: greater cognitive economy, accessibility, or coordinative capacity does not by itself establish the justice or normative desirability of the juridical configuration concerned.

The *obligatio propter rem* hard case showed the analytical significance of these structural distinctions. The Italian baseline separates a change in an object-related position from the allocation of debtor positions, accrued and future liabilities, creditor operations, and consequences. The comparative controls indicate that functionally comparable dependencies may receive materially different dogmatic organisation across civil-law jurisdictions. The resulting comparative lesson is not a common doctrine of real obligations but a structural one: functional similarity does not entail dogmatic identity, and the significance of a change in one juridical

position depends upon the positive-law organisation of relations, transformation rules, conditions, operations, and consequences.

The fragmentation test then separated doctrinal reconstruction from the functional hypotheses. By varying independently specified properties of configurational organisation while holding materially comparable substantive determinations and principal competing conditions sufficiently stable, it tests whether configurational variation changes the reconstructive route required to answer fixed position-relative questions; its immediate indicator is the number and type of intermediate normative determinations required for those answers. The more proximal propositions concerning contextual recoverability and relational normative accessibility thereby become contestable without being defined through successful performance, while their relation to the reconstructive route remains a functional hypothesis rather than an observed effect. More distal propositions concerning normative relatability, practically sufficient compatibility, cognitive integration, and coordination require additional evidence and can fail independently.

The resulting contribution is architectural and metatheoretical. It does not claim novelty for relational legal positions, legal change, intermediary concepts, institutional cognition, information-cost reduction, or coordination without consensus. It proposes a theoretical location for juridical construction within a structural-cognitive theory of institutional coordination and distinguishes the successive analytical questions that arise once juridically differentiated normative content is organised in configurational form. The structural reconstruction and the hypotheses concerning cognitive functioning are connected but independently contestable.

Juridical construction can thus be understood as the specifically juridical structural form through which the normative content of an institutional symbolic system is organised and symbolically stabilised as a reproducible configuration of differentiated positions and their normative dependencies. Its structural significance lies in this organisation. Its cognitive significance is a further and independently testable question: what that organisation may make possible for differentiated practical legal orientation.

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