

John Locke's Conception of the Social Contract and Its Relations to the Term Limits in Governance

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Abstract. In political discourse, many theories have emerged regarding the idealization of government, state, and leadership. However, existing theories have not fully succeeded in realizing an ideal government, state, or leader. In fact, some theories tend to emphasize the absolutism of power that leads to authoritarian leaders. This study will analyze John Locke's version of the social contract theory and relate it to the issue of the periodization of the leadership term in a government. The method used is a literature study with a correlation analysis approach. The results of the study show that the social contract theory in John Locke's thinking has a close relationship with the existence of the periodization of the term of office or leadership in government. If this periodization does not apply, it will give rise to a tendency to commit corrupt acts on the mandate held. There are several important points to consider in re-examining the dynamics and processes of leadership in government; 1) upholding the sovereignty of the people; 2) the need for regeneration of the leadership relay; 3) anticipation of abuse of power; and 4) the need to guarantee the prosperity and welfare of citizens.

Keywords: John Locke, Social Contract, Term Limits, Governance.

Abstrak. Dalam diskursus politik, banyak teori yang muncul mengenai idealisasi pemerintahan, negara, dan kepemimpinan. Namun, teori-teori yang ada belum sepenuhnya berhasil mewujudkan pemerintahan, negara, atau pemimpin yang ideal. Bahkan, beberapa teori cenderung menekankan pada absolutisme kekuasaan yang berujung pada pemimpin yang otoriter. Penelitian ini akan menganalisis teori kontrak sosial versi John Locke dan mengaitkannya dengan isu periodisasi masa kepemimpinan dalam sebuah pemerintahan. Metode yang digunakan adalah studi literatur dengan pendekatan analisis korelasi. Hasil penelitian menunjukkan bahwa teori kontrak sosial dalam pemikiran John Locke memiliki keterkaitan yang erat dengan adanya periodisasi masa jabatan atau kepemimpinan dalam pemerintahan. Jika periodisasi ini tidak berlaku, maka akan menimbulkan kecenderungan untuk melakukan tindakan korupsi atas amanah yang diemban. Ada beberapa poin penting yang perlu diperhatikan dalam menelaah kembali dinamika dan proses kepemimpinan dalam pemerintahan, yaitu: 1) menjunjung tinggi kedaulatan rakyat; 2) perlunya regenerasi estafet kepemimpinan; 3) antisipasi penyalahgunaan kekuasaan; dan 4) perlunya menjamin kemakmuran dan kesejahteraan warga negara.

Kata Kunci: John Locke, Social Contract, Periodisasi Jabatan, Pemerintahan.



1. INTRODUCTION

The problem of leadership periodization is an important topic of discussion lately. The limitation of leadership periodization in power is intended as an anticipation of the probability of abuse of power (Laksono, 2022). The leadership mandate that does not have a periodicity results in the birth of serious problems in the regeneration of the leadership baton (Fitriyani et al., 2023). In the study of political philosophy, this periodization has actually been formulated in a social contract theory. A theory that represents an agreement between fellow citizens, and citizens with their leaders (Sapii et al., 2022). One figure who is consistent with this theory is John Locke, a British political philosopher.

Research on the issue of leadership term periodization has been conducted by several researchers. First, research by Desi Fitriyani et al. entitled "Presidential and Vice Presidential Term of Office: Addition of Regulations on Emergency Situations and Periodization Circulation". Second, research "Study of Legislative Member Periodization as an Effort to Minimize Election Fraud" by Oky Pitoyo Laksono. Third, research by Anita Pertiwi and Tomy Michael entitled "The Need to Limit the Term of Office of Members of the Regional People's Representative Council in Indonesia". From several research titles with the theme of periodization listed above, fundamental differences can be seen between these titles and the title of this research.

In the first study it was shown that the term of office of the president and his vice president can depend on the state of emergency in the country (Fitriyani et al., 2023). Then in the second study, the limitation of the term of office for legislative members needs to be clarified in order to avoid fraudulent behavior in the election (Laksono, 2022). Meanwhile, the third study explains that this periodization will minimize the potential for acts of abuse of authority (Pertiwi & Michael, 2023). If seen from all the previous research results, it can be understood that the position of this research is as a continuation of previous research by presenting a discourse on political philosophy that will discuss the need for periodization if measured in John Locke's version of social contract theory. That way, this discussion can

be understood fundamentally related to the initial purpose of the agreement to limit the power of the leader.

2. METHOD

This study uses a qualitative method with a critical analysis approach. Data are collected to be analyzed and described critically. Then, the researcher conducted a correlation analysis between John Locke's social contract and the issue of leadership term periodization in a government. The primary data source is taken from John Locke's monumental work in his political thought, namely Two Treatises of Government. Several other works by John Locke are also used to deepen the study. While secondary data sources are taken from documents such as books and journals related to the research theme.

3. RESULT AND DISCUSSION

The periodization of a person's term of office in government should exist in a country with the principle of a state of law (rechtsstaat). The term rechtsstaat has a philosophy that indicates the limitation of power. This idea is seen as very necessary, considering the past history that centralized all mandates of power in one person who was called a king or queen who ruled based on bloodline (Zaini, 2020). With such a system, a king or queen has the supremacy of power that allows him to act arbitrarily. In turn, it will give birth to dark consequences for the rights and freedoms of his people. Therefore, the transformation from a state based on power to a state based on law is very necessary (Iswari, 2020). The term of office can be limited, this idea later became the basis of modern constitutionalism.

This law functions as a supervisor for the running of government in accordance with the established corridor. That way, a person in government cannot act arbitrarily. Therefore, the principles in this constitutional state must be manifested in the practice of state government. One of these practices is by carrying out the constitutional mandate related to the periodization of a person's term of office in government (Putra Ernawan & Ruslie, 2023). The discussion about the periodization of the term of office is indeed very closely related to

the theory of separation of powers initiated by the French philosopher, Montesquieu in his *Trias Politica* (Asmariah, 2021).

Periodization is a concept used to state the time limit of something. In this case, the periodization in question is the term limit of a leader in a country's government. The term of office periodization is determined by the constitution because of the tendency of someone who holds power for a long period of time to result in errors in its use (Anna & Gosal, 2023). As Lord Acton once said, power drives people to be corrupt, and absolute power will cause absolute corruption (Hulain et al., 2023). This classic sentence seems to provide information that no matter how good a person is, when absolute power is given to him, the potential for him to act arbitrarily is open. Therefore, law enforcement related to the periodization of the term of office is important so that it needs to be studied more deeply.

The issue related to the limitation of the term of office according to Prof. Zainal Arifin is a burning issue. Its relevance in a state of law is that existing laws should not be intended for the interests of those in power, but must be based on justice for all citizens. Jimly Asshidiqie took a quote from Walton H. Hamilton that constitutionalism is the name given to the trust which men repose in the power of words engrossed on parchment to keep a government in order (Asmariah, 2021). That is, the constitution formulates how the implementation of government requires limitations in order to achieve order in its management which continues to develop.

In seeing the urgency of this term of office periodization, there are several factors that need to be discussed. First, philosophically, when a country adopts a democratic system, then sovereignty is in the hands of the people. What is meant is that when there is legitimacy by the community towards state power, at the same time there is reciprocity from the state that affects the welfare of the community. Conversely, when the state is unable to provide welfare guarantees, it will certainly have implications for an agreement that has been agreed upon between citizens and their leaders (Hahuluy, 2020). Second, the representative institutions of the people occupy a crucial position in their mandate, namely operating a

country based on the principle of law to prevent violations of it. With this periodic limitation, it will require a periodic replacement cycle. That way, those who sit in these positions are free from all forms of interest in maintaining their power (Pertiwi & Michael, 2023). Furthermore, with the periodic change of leaders, opportunities are opened for other competent individuals to contribute their performance for the benefit of the country. In turn, the leadership process is more dynamic and open to positive changes.

3.1 The Need for Regeneration of the Leadership Relay

Leadership positions in state institutions must receive the proper portion of law enforcement. The reason is, to be able to assess the health of a leadership, one must review it from the side of the regeneration produced. What is meant is that when there is a circulation of power holders, there is a process of competition that must be directed towards a clean path. So that the competition produces compatible and competent individuals according to the needs of state institutions in order to realize the welfare of citizens (Putra Ernawan & Ruslie, 2023). The concern is that when this leadership baton does not run properly, it will cause problems and potential individuals who are not aimed at the welfare of the people, but foster their ambitions to continue to be in power. In turn, the welfare of citizens is no longer a priority, but rather self-electability is the main goal.

In addition, from a legal perspective, every individual has the same position. In such a framework of thinking, it can be said that every individual has the same right to reach the intended leadership relay. Of course by prioritizing criteria that indicate the level of credibility, capability and other skills needed in relation to carrying out their mandate as people's representatives (Hahuluy, 2020). In this way, the hope of a healthy and quality leadership process will occur. This is in accordance with a wise saying that says that leaders can be said to be wise if they have the ability to prepare the next generation who will replace their leadership.

Preparation for the need for leadership regeneration must certainly receive a large portion of attention. The form of this attention

is by paying attention to the following things. First, there is mental and spiritual readiness. Mental readiness is needed as a person's ability to occupy a position that is entrusted, both physically and non-physically. While spiritual readiness is expected to be a fortress for someone to avoid an unstable psyche due to receiving the mandate of power (post power syndrome). Second, it is necessary to educate prospective leaders. This is needed in relation to the needs of leaders who are in accordance with the competencies needed (Sapii et al., 2022). Third, entrust the mandate to the prospective leader. This can certainly be done after seeing the capacity of a person who will be given the mandate (Laksono, 2022). When someone is considered capable, then it is only natural that trust should be given to him.

The description above shows that leadership regeneration is an absolute must. With the limitation of a person's term of office in power, the resulting regeneration is able to bring about progressive changes for the progress and welfare of citizens. Seeing the urgency of this periodization in national life, it is necessary to re-explore the philosophical principles of the existence of laws that limit a person's term of office in power. For that reason, in the following discussion, we will discuss the thoughts of an English political philosopher, John Locke, in relation to the theory of social contract which in substance contains a social agreement between citizens and their leaders.

3.2 Social Contract Theory

The social contract should receive a large portion of attention in national life. The theory of the social contract is a fundamental basis for the need to establish an agency called the state (Neave, 2006). In simple terms, a social contract can be understood as an agreement made to build an institution to escape the zone of anxiety felt before the founding of the state (Steele, 1993). This means that after this country is built, it is very necessary to re-understand the initial foundation so that it reaches the application stage to maintain the agreement.

John Locke was born in Wrington, Somerset, England on August 29, 1632 and died in High Laver, Essex on October 28, 1704. He is known as an inspiring figure of the

enlightenment in Europe and the constitution of the United States. His philosophical thinking tends to be similar to the founding figures of modern science, such as Robert Boyle, Sir Isaac Newton and so forth (Sorell, 2008).

His political thinking was based on the idea of a social contract between citizens and the importance of tolerance, especially in matters of religious belief. His political thoughts received a positive response from various circles including England after the great revolution in 1688-1689 and in the United States after the country's declaration of independence in 1776 (Tuckness, 2020).

The Locke family was under the institution of the Church of England although they also had sympathies with Puritanism (Woolhouse, 2007). It was under this church institution that Locke's life and thinking were colored later on. Little Locke grew up in Pensford until he was 10 years old, he witnessed the beginning of the civil war in England between the Monarchy of Charles I against the parliamentary forces under the leadership of Oliver Cromwell (Woolhouse, 2007). From such events, Locke's mindset slowly formed. From an early age, it can be said that Locke had already rejected any claim of the king's authority that had divine rights to rule. Likewise, the figure who came after Locke, Montesquieu, who argued that there should be no arbitrary authority which then gave birth to the *Trias Politica* theory (Montesquieu, 1989).

In short, there was a lot of tension between the interests of the king and parliament. So, in the midst of that tension, many were arrested, tried and executed because they were considered to have betrayed their political opponents. In that atmosphere, Locke was once closely monitored, then he decided to cross to the Netherlands in September 1683 to avoid the conflict (Galactic, 2016).

It was from this context that Locke's monumental work in political philosophy was born. A work entitled *Two Treatises of Government* (1689) (Locke, 1988). This book is a response to the political situation that occurred in England at the time of the exclusive controversy, although the message contained in it is much more important.

To start this paragraph, there will be a potential question about the emergence of social contract theory in the life of society. Because, in the natural state of humans, they are likened to kings for themselves (Elahi, 2014). Locke said that in order to understand political power correctly and to be able to run according to its essence, it is necessary to know the natural state of humans, namely a state of freedom without having to be under pressure from other humans (Latief et al., 2023). As Minton said that in Locke's version of the social contract theory, all humans are equal, there is no one power that is more dominant than the others. In a state of nature, every individual is free and independent and does not have to submit to any authority (V Sasan, 2021). Then why do humans give up control of their power and freedom in a treaty or agreement?

The above question seems to be an anomaly of the natural state that seems fine. In fact, in the natural state, humans have full freedom, but the power and freedom and ownership rights are in turn in an unsafe position (Umeh and George-Franklin, 2021). This means that it will endanger freedom and property rights. Finally, an agreement was made to guarantee mutual security. In this way, they take a role in preserving common life.

Social Contract was born from a human awareness to change the natural state which turned out to hold a mystery. The natural state is a state of life that does not have a government system that outlines the laws that govern them. The law at that time was only based on natural law formulated from common sense reasoning so that it had not become a standard formulation. And the mystery that needs to be solved is the difficulties and fears faced by society (Seagrave, 2016). To overcome these difficulties and fears, they entered into a pact of understanding.

The agreement contains two important elements that are the essence of the agreement. The two elements are pactum unionis and pactum subjectionis (Elahi, 2014). *Union Pact* is an agreement between individuals that gives birth to the state. With pactum unionis, humans seek guarantees for the security of their lives and property rights (Armitage, 2004). As a result, a society is formed to respect each other and live in peace and harmony.

Meanwhile, the pactum subjectionis is an agreement between an individual and a ruler appointed in the pactum unionis, the contents of which are the transfer of natural rights (Forde, 2006). With pactum subjectionis, society unites and fully obeys the authority that is given power and surrenders all or part of their rights to the person or body that is made the authority based on an agreement (Weber, 2003). The authority holders must guarantee all to live more securely, and freedom until the specified time limit. Therefore, they must agree to build society collectively (Nur Wahyudi, 2022). In other words, moving out of the state of nature requires agreement on a covenant to live together under the general law that has been formed. In addition, it also forms a mechanism for enforcing the agreement along with its regulations (Sorell, 2008). So, the existence of authority, government, sovereignty or state is the result of the two agreements above.

Furthermore, John Locke explained that a social contract is a form of agreement between citizens to obey and submit to the appointed authority holder (Evers, 1977). That is, on the condition that the holder of the authority will make efforts to provide protection for natural rights. From the perspective of Locke, Moore and Bruder (Moore, B.N., & Bruder, 2002) also provides an understanding that a social contract is an agreement between individuals to create peace by establishing state institutions that regulate them and provide legal guarantees, safety and harmony between citizens.

The above shows that the purpose of government and law is to uphold and protect the natural rights of humans. As long as the government fulfills the above prerequisites, then all forms of law it provides are valid and binding (Kishardian et al., 2023). However, if these rights cannot be fulfilled, then the law no longer has validity and the government can be removed from its power. In Locke's view, unlimited sovereignty contradicts natural law. Furthermore, Locke emphasized that the state must be based on the good of the people in general, not on the interests of a group of elites in power (Munck, 2016). Therefore, Locke formulated a constitutionally limited government.

The social contract theory is essentially a source of law and contains the concept of justice. In short, the social contract is the basis of morality (Lessnoff, 1990). The social contract is designed to uphold equality and justice and consists of concepts that indicate what is right and wrong, as well as just and unjust. Although social contracts emerge from different histories, for John Rawls, the substance is the justification of moral principles (Yuniar Mujiwati, 2022).

Limiting the period of leadership in a power is a must to suppress the negative potentials that arise from it. Power often makes people forget their initial position before coming to power, so that there are often efforts to perpetuate their power (Asshiddiqie, 2023). In fact, psychologically, when someone is in power for a period of time that is longer than the legal limit, there will be an opportunity to abuse that authority. The emphasis on the period limit is certainly not only based on concerns about that alone (Fachruddin, 2006). However, there are other factors and consequences that need to be discussed philosophically.

In the study of political philosophy, in relation to reading the urgency of emphasizing the periodization of a person's term of office, there is a theory of social contract or social agreement. At least, there are several discussions that need to be raised in this article. Some of these factors include, namely, the existence of conformity with the will of the people, anticipation of abuse of authority, continuity of development programs, the existence of guarantees of prosperity and welfare and the need for regeneration.

First, conformity with the will of the people. As a democratic country, of course people's sovereignty needs to be upheld (Asshiddiqie, 2023). Locke argued that the power held by bodies or institutions such as the legislative and executive must be in accordance with the sovereignty or will of the people. Locke saw that the power of existing bodies was not absolute (Locke, 1988), so that at the same time it has a time limit. This is in line with the meaning of democracy itself, namely government of the people, by the people, and for the people. The people in that position are the source of the principle of sovereignty. This means that the implementation of all matters

related to the mandate of government must be based on the will of the people. In relation to the period of office, the voice and choice of the people are the main aspirations to legitimize the government's term of office. No person who is given a mandate by the people may exceed the time limit determined by law. Because the people in the eyes of the law must be seen as equal (Seagrave, 2016), in this equality everyone can compete healthily to produce a democracy that is also healthy.

Second, the emphasis on the periodization of the leadership period is as an anticipation of the occurrence of abuse of power. John Locke carefully formulated an anticipatory formulation of this. The limitation of this periodization is closely related to the separation of powers, which Locke divided into legislative and executive powers. Locke argued that with this limitation, the ruler would be kept away from corruption (Elahi, 2014). This is in line with the idea put forward by Lord Acton, which is indeed right to describe this, stating that power tends to corrupt, but absolute power corrupts absolutely. The goal is clear so that government power cannot act arbitrarily against the power it has to make government power that tends to be absolute (V Sasan, 2021). The urgency to anticipate abuse of authority is also closely related to the essence of the basic principles in the principle of people's sovereignty. The two main things in people's sovereignty are the guarantee of the principles of freedom and equality. These two main things are reflected in a common will that gives rise to basic rights as the responsibility of power or government. This explains that the emphasis on the periodization of restrictions on power must be based on the main foundations in the principle of people's sovereignty. At the same time, it can also avoid the potential for arbitrary leadership so that his mandate can be carried out in line with the objectives of the power entrusted to him by the people.

Third, there is a guarantee of prosperity and welfare. With the limitation of the term of office, the prosperity and welfare of the people are essential indicators. In this case, Locke argues that all powers held by the ruler or leader through a body that has been agreed upon by the citizens must be directed towards the good and welfare of all (Palmer, 1991).

Furthermore, Locke saw that one of the indicators of welfare guarantees is the existence of protection from the state to its citizens from all threats to their survival. Based on the principle of people's sovereignty, a leader or ruler must strive for the interests of the people in general and also not abandon the needs of a minority from the majority of the people (Moore, B.N., & Bruder, 2002). The intention is that the government or leaders continue to strive for the best for all their people (Palmer, 1991) and be careful in making policies so that they are free from personal interests that tend to show a leader's thirst for power.

Fourth, it is necessary to regulate leadership regeneration. The leadership relay must be able to run well in order to open up space, opportunities and chances for every citizen so that they can dedicate their contribution to building the government (Locke, 1824). Of course, the opportunities that exist are balanced with the prerequisites that must be passed. Regeneration is not only in the sense of replacing a position, but there is a process, good regeneration will be able to be produced with a good cadre process (Aulia, 2024). So that it gives birth to healthy and clean competition.

4. CONCLUSION

John Locke's social contract theory is very relevant in the urgent issue of limiting the period of leadership in a power. This is illustrated by the formulation that Locke initiated, starting from the division of power to the limitation of time or period. Locke understood very well that absolute power is a problem. A problem that leads to the abuse of that power, making someone arbitrary. In addition, the welfare of citizens is no longer a priority.

Therefore, there are several things that need to be considered in relation to this periodization limitation, namely upholding the sovereignty of the people, anticipating abuse of power, guaranteeing the prosperity and welfare of citizens and the need for regeneration of the leadership baton.

This research certainly does not stop here, but there are still further studies related to this theme. Such as developing the theory of social

contracts according to other figures to get diverse perspectives. That way, it will enrich the treasury of knowledge and insight.

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