

SOCIAL CONTRACT IMPLEMENTATION IN ELECTIONS IN INDONESIA

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ABSTRACT

The social contract in a political perspective is a human agreement to concentrate power in the hands of a person or an assembly that has leadership rights. At the implementation level, social contracts can be interpreted as agreements and agreements between individuals to give up their rights and then submit to leaders through the electoral process. The research method used is descriptive method with a qualitative approach. With this method the researcher tries to describe, analyze, and build meaning about the implementation of social contracts in elections in Indonesia. The results of the study explain that the social contract in elections must guarantee the trust given by voters to those they choose. Elections are a general will that is manifested in the form of civil society taking part in creating a government that is in accordance with the will of the people so that it is a manifestation of a "social contract" and becomes a political necessity based on the mutual agreement of the Indonesian people.

Keywords: *Implementation, social contract, elections*

ABSTRAK

Kontrak sosial dalam perspektif politik adalah kesepakatan manusia untuk memusatkan kekuasaan pada tangan seseorang atau suatu majelis yang mempunyai hak kepemimpinan. Pada tataran implementasinya, kontrak sosial dapat dimaknai dengan penjanjian dan kesepakatan antar individu untuk melepaskan hak-hak mereka dan selanjutnya tunduk kepada pemimpin melalui proses pemilu. Metode penelitian yang digunakan adalah metode deskriptif dengan pendekatan kualitatif. Dengan metode ini peneliti berusaha untuk mendeskripsikan, menganalisis, dan membangun makna tentang implementasi kontrak sosial dalam pemilu di Indonesia. Hasil penelitian menjelaskan bahwa kontrak sosial dalam pemilu harus menjamin amanah yang diberikan oleh para pemilih kepada yang dipilihnya. Pemilu merupakan suatu kehendak umum yang dimanifestasikan dalam wujud masyarakat sipil ambil bagian untuk menciptakan pemerintahan yang sesuai dengan kehendak rakyat sehingga merupakan

perwujudan "kontrak sosial" dan menjadi suatu kebutuhan politik berdasarkan persetujuan bersama masyarakat Indonesia.

Kata Kunci: *Implementasi, kontrak sosial, pemilu*

INTRODUCTION

Elections as a means of realizing people's sovereignty in order to produce a democratic state government based on Pancasila and the 1945 Republic of Indonesia Constitution, are intended to elect a president and vice president, members of the DPR, DPD, DPRD, as well as regional heads and deputy regional heads who are able to reflect democratic values and can absorb and fight for the aspirations of the people in accordance with the demands of the development of national and state life.

The holding of democratic elections is the dream of every Indonesian citizen. Elections are said to run democratically if every Indonesian citizen who has the right to vote can cast his vote directly, publicly, freely, confidentially, honestly and fairly. Each voter only exercises his right to vote once and has the same value, namely one vote. This is often referred to as the principle *one person, one vote, one value (opovov)*.

Furthermore, elections are held by election organizers who are independent, have integrity, professionalism and accountability which are carried out in a higher quality, systematic, *legitimate*, and

accountable with the widest possible community participation.

General elections are not only related to the government's need for the legality of exercising its power, but also something that is most important as a means for the people to articulate their aspirations and interests in the common life of the nation and state. Elections must be carried out in a higher quality so as to better guarantee healthy competition, be participatory, have a higher degree of representation, and have a clear accountability mechanism because in elections a form of "social contract" is implemented between individuals as voters and their chosen ones both for representation in the legislature, executive within a period of five years.

In essence, every voter through a social contract in elections wants security and safety and henceforth through this social contract makes an agreement to build an order, where their rights and desires are aligned with the wishes of the elected leader. Thus the goal to be achieved by individuals who enter into social contracts is to realize internal security.

The important thing that needs to be explained here is the sovereignty of power in social contract theory in the form of a human agreement to

concentrate power in the hands of a person or an assembly that has leadership rights. The social contract is the result of a transition from natural justice to an organized state of civilized/civilized society. Hobbes (...) explains that social contracts are agreements and agreements between individuals to relinquish their individual rights and then submit to leaders. In this context, individuals after carrying out a social contract surrender their rights to the leader they choose and must obey or submit to the leader.

Based on the description above, the authors conducted a study entitled "Implementation of Social Contracts in Elections in Indonesia".

LITERATURE REVIEW

Election

In a country that uses democracy as the principle of governance, elections are a medium for the people to declare their sovereignty. Ideally, elections aim to carry out regular and peaceful changes in government power in accordance with the mandate of the law. Thus elections become a prerequisite in the life of the state and society in a democratic manner so that through elections the people actually hold sovereignty. Rizkiyansyah (2007:139) says that elections cannot be said to be merely a party or a ritual. Elections are strategic moments where all parties can learn democracy

together and determine the fate of the nation in the next five years

At another level, the real nature of elections as explained by Mariana (2008: 5) includes renewing the social contract, choosing a new government, and placing new hopes with a new government. In this context, as a form of social contract, elections contain an agreement between the people and those who are mandated to exercise people's sovereignty. This contract is made with the party that won the election.

As a consequence of the new social contract, a new government will be formed consisting of those elected in the election. It is this new government that will then work according to the contract agreed in the election. In addition, placing elections as a tool of democracy means positioning elections in their original function as a vehicle for forming a representative government.

Electoral System in Indonesia

Indonesia has repeatedly held General Elections which are referred to as the democratic party of the Indonesian people. This democratic party took place both during the old order, the new order, and the recent reforms. Elections in various countries that adhere to democracy, in addition to being based on the principles of direct, general, free, secret, togetherness, honesty and fairness in their laws and regulations, an electoral system is also

determined which is used as a guideline for the implementation of elections.

Basically there are two electoral systems, the district system(*single member constituency*) and proportional system(*multi member constituency*). Because the two systems have strengths and weaknesses, there are also countries in their implementation that combine the two systems mentioned above, namely the combination system.

The elucidation of the electoral system above is in line with what was stated by Kencana (2004: 98) which defines the district system as: "This system is organized based on the location of the electoral district, in the sense that it does not differentiate between the number of residents, but the place that has been determined. So a slightly populated area has the same representation as a densely populated area. Therefore, of course, a large number of votes will be wasted on one side, but on the contrary, it will benefit the party with less population. But because the elected representatives are direct people, voters are familiar with their representatives(*person system*). One district is usually one representative(*single member constituency*)".

Budiardjo further (2008: 463) argues that: "a proportional system, one area is considered as a single entity, and in that area the number of seats is divided according to the number of votes obtained by the contestants

nationally regardless of the distribution of the votes".

This is quite fair in terms of the number balance, even the remaining votes can be combined nationally for additional seats, thus small parties can be valued without having to form alliances, because the votes of voters are valued. But the risk is that many representatives of legislative candidates are given from the central government.

With the intention to eliminate the weaknesses in the two systems mentioned above, a combination system was developed, between the two systems with many variations. As an example described by the General Elections Commission (2002:19-20) which basically states that if a district system is used with a combination of proportional systems, the basic principle is a district system with variations of the proportional system, for example, for members of the Republic of Indonesia People's Representative Council, Provincial DPRD, and Regency/Municipal DPRD are determined based on the proportion of population. Then the Regional Representative Council (DPD) is designated as a representative using elections through the district system.

Looking at the descriptions relating to the electoral system in Indonesia, the electoral system adopted in each election period is a proportional (balanced) system. Even though according to the author's opinion during the 2019 legislative elections

the electoral system used was a mixed system. This is considering that when electing members of the DPR, the DPRD is carried out through a proportional system. Whereas when selecting DPD members use the district system. Because the elections for members of the DPR, DPRD and DPD take place at the same time, the system used is more precisely a mixed or semi-proportional system.

This mixed system model is likely to still be used in the 2024 election. This is based on the rules contained in Law Number 7 of 2017 concerning Legislative General Elections, and General Elections for the President and Vice President. The legal umbrella is a guideline for implementing the general election system in Indonesia.

Furthermore, it is also necessary to state in this description that for the maturation of democracy, the general election system in Indonesia should use the district system purely. This system is seen as more objective in choosing. In a district system, voters will be more familiar with the candidate they choose individually. Thus, voters feel that they are actually voting for people who are considered to represent their aspirations and desires. In addition, even if voters do not know political parties intensely, this will not be an obstacle, because it is enough for those concerned to know the figure and credibility of the person they choose. In this way, voters feel that they have exercised their right to

vote in an appropriate and rational manner

Social Contract

Hobbes' view (1957: 81) regarding the social contract can be explained through his opinion that humans are tired of war. They know that war is the worst thing. They then get together and agree to give up all their rights and promise to hand over power in society to one person who has all the rights. He has only one obligation, namely to create security. In this way, people's lives get better even though humans lose their freedom. However, he was met with something more important than his freedom. Security and tranquility is better because it saves humanity from the misery experienced in natural and war situations. Security and calm bring people to peace and order. Thus, the origin of the formation of society and the state.

When each individual relinquishes his power and rights to someone he has chosen to manage him, an essential unity or state is formed, that is, there appears to be a desire to establish a state that accommodates individual wishes, becomes one will and great power, namely the will and power of the leader.

In another part Hobbes (1957: 86) states that: "when humans want security and safety, and leave war because of fear and danger, we can conclude that humans make an agreement to build an order, where

their rights and desires are aligned with the wishes of the leader . "Hobbes seems to return the sovereignty of force to social contract theory. The social contract, according to him, is a human agreement to concentrate power in the hands of a person or an assembly that has leadership rights. The social contract is the result of a transition from natural justice to an organized state of civilized/civilized society. Furthermore, Hobbes (Schmandt 2009:316) explains that the social contract is *"I empower and surrender the right to govern myself to this person or to a group of people on the condition that you also surrender your rights to him, and give him authority in this way*. This statement implies the meaning that in the social contract there are agreements and agreements between individuals to relinquish their individual rights and then submit to the leader.

It should be made clear here that the actor of the social contract is an individual, not a community of any kind or a sovereign. In fact, individuals are equal in their natural rights. They agree and make an agreement to waive their rights and then hand them over to someone or an assembly that leads. However, this person or assembly does not remind himself of the agreement. In the end it can be concluded that submission to the majority vote that determines to whom power is handed over is the main material of the social contract. Therefore, in a social contract

like this, the state of the minority really does not have perfect and absolute power over them.

Another opinion about the social contract put forward by Locke begins by stating that human nature is the same as one another. However, different from Hobbes, Locke (Schmandt 2009: 338) refers to the social nature of humans and their tendency to seek allies with other people, he stated that individuals enter into political society because of the inadequacy of their natural conditions, not because of their own natural conditions.

According to Locke (1965: 124), humans within themselves have reason which teaches the principle that because they are equal and independent, humans do not need to violate and destroy other human lives. Therefore, the natural conditions according to Locke are very different from the natural conditions according to Hobbes. According to Locke (1965: 126), in natural conditions there are already regular patterns of regulation and natural law because humans have reason that can determine what is right and what is wrong in relationships between people.

The problem of unrest and insecurity then appeared, according to Locke (1965: 135), because of several things. First, if everyone is guided by their pure reason, then there will be no problems. However, what happened was that some people were guided by

reason that had been left (biased) by the impulses of personal interests, so that the patterns of regulation and natural law became chaotic. Second, the aggrieved party is not always able to sanction violators of existing rules and laws, because the aggrieved party does not have enough power to impose sanctions.

Another explanation of the social contract put forward by Rousseau begins his analysis with human nature. Basically humans are the same. In natural conditions between one human being and another human being there is no fighting. Precisely in this natural condition humans unite and work together. That fact was caused by the weak human situation in the face of a wild nature. Each of them takes care of themselves and tries to face the challenges of nature. For that they need to help each other, so a social organization is formed that allows humans to balance nature.

According to J J Rousseau (1964: 55) to determine whether official political power can exist or not? In order to achieve more and leave the state of nature, humans must enter into social contracts with others. According to Rousseau in the contract, all are free because they renounce freedoms equal to the obligations imposed on all. Rousseau also stated that it is unreasonable for humans to give up their freedom for slavery; and then the contract participant must be free. Furthermore, although the contract

resulted in new laws, especially those protecting and regulating property, a person could break out of the contract at any time (except at a critical moment), and was once again as free as he was at birth.

Rousseau (1964: 142) believes that any government, and in any form, must be divided into two. The first is the Ruler who will represent the general will, namely the legislative power. The second is the implementing government or what is called the Executive. This separation must be done because the authorities cannot take care of certain matters that make them act according to a particular will rather than the general will, such as the application of the law. So the government must be separate from the ruling body.

METHOD

To explain the implementation of social contracts in elections in Indonesia, the author uses a descriptive method with a qualitative approach. With this method the researcher tries to describe, analyze, and build meaning about the phenomenon of the social contract in elections that occur in Indonesia. Sugiyono (2012:21) explains that qualitative research is based on philosophy *postpositivism* or paradigm *interpretive*, a reality or object cannot be seen partially and is broken down into several variables. Qualitative research views the object as a whole, dynamic, the result of thought

construction and interpretation of the observed phenomena, and is intact because every aspect of the object has a unity that cannot be separated.

Descriptive method with a qualitative approach is research in the form of fact-finding with the correct interpretation of the observed phenomena or the phenomena studied. In this case descriptive research studies the problems in society, as well as the procedures that apply in society and certain situations, including the relationship between activities, attitudes, views, and ongoing processes and influences. influence of a phenomenon. The phenomenon studied is the implementation of social contracts in elections in Indonesia which is described based on the information obtained. .

In addition, the basic reasons for using a descriptive research method with a qualitative approach are: (1) the research problem has been described; (2) to understand the meaning behind the visible data; (3) to understand public perceptions; (4) to understand and study the implementation of social contracts in elections; (5). With the reasons described above, it is hoped that researchers will obtain sharp, accurate and in-depth information about the implementation of social contracts in elections that took place in Indonesia.

The sources of data used in this study are documents, written data obtained from informants or from the

mass media, social media, and electronic media as well as literature studies or other literature studies that have something to do with the issue of social contact and elections.

RESULTS AND DISCUSSION

Talking about the dynamics of general elections is very diverse. Much can be discussed and even debated both in political, economic, social and cultural perspectives.

General elections are essentially part of the thinking of political power which is run by two state institutions, namely the legislature, executive and within a period of five years and are legally elected based on the will of the people through the general election itself.

In this regard, elections have several interrelated functions. An explanation of the functions of elections is as follows. First, as a means of politics. This legitimacy function is a necessity for the government and the political system that embodies the applicable election format. Through elections, the legitimacy of the ruling government can be upheld. Likewise with the programs and policies produced by the elected government freely to be able to regulate it. In this context, the government based on law has the authority to rule and be able to provide strict sanctions for any citizen who violates the electoral process.

Second, the function of political representation. This function is fundamental to the needs of the people in order to evaluate and to control the government's behavior and the work programs and policies produced by the political representatives. It is also a democratic mechanism for the people to determine trustworthy representatives to sit in government and legislative bodies.

Third, elections as a mechanism for changing or circulating the ruling elite. The connection between elections and elite circulation is based on the assumption that elites come from and represent the wider community. As a means of political education for the people, general elections are a form of direct, open and mass political education for the people which is expected to educate political understanding and increase public awareness about democracy.

At the implementation level, the phenomenon that occurs in elections has not benefited voters, especially for the interests of the lower strata of society. Why is that. The role of elections is still limited as the government needs to gain political legitimacy. This can be seen from this tendency, namely related to the design and practice of elections which still place the people as political objects and mere voters without any reasonable rights as holders of political sovereignty in the life of the state. Not only that, elections in Indonesia are

always colored by dirty political practices in the form of money politics, spreading hoaxes, or black campaigns that discredit other parties.

All of this falls into the category of violating electoral procedures or better known as contradicting the principles of elections, namely Luber and Jurdil. It gives the impression that elections are routine activities and only want to gain political legitimacy from the people without thinking about the relevance of elections for the interests of the people.

If examined in depth, elections can actually be seen as an expression of the demands of the public interest as well as a vessel for the fusion of individual wills. It is based on the theory that when civil society or groups or individuals participate in civil agreements through voting (social contracts) they will positively influence each other and create new wills so that elections are always directed to the common good.

It should be emphasized here that elections are a general will in which civil society takes part to create a government that is in accordance with the will of the people. Elections are also a manifestation of a "social contract" and become a political necessity based on the mutual consent of the Indonesian people.

With regard to the implementation of social contracts in elections in Indonesia, the research findings can be explained as follows:

Social Contracts in elections which are carried out every five years in accordance with the Act which are actually implemented in the polling place (TPS) are only carried out routinely to gain political legitimacy. In this context, social contracts that occur once every five years by people who have the right to vote are only used as a means to gain legal force in carrying out the wheels of government both internally and externally. In addition, social contracts in elections are only used as a means or tool for changing leaders both in legislative institutions such as the DPR RI, DPD, Provincial DPRD, Regency/City DPRD as well as in the executive branch in the context of presidential and vice presidential elections.

The Social Contract in elections is only used as justification and legitimacy for the executive and legislature to carry out programs and policies in accordance with their respective functions. This legitimacy provides flexibility for leaders to regulate various matters related to governance which automatically illustrates the policy-making pattern of these leaders.

The Social Contract in elections does not provide a benefit principle for voters or the community as the holder of sovereignty in life. This means that after the social contract is carried out by the voting public, they do not feel any benefit because the political promises made cannot be realized so

that it seems that they are only giving empty promises to their voters, whereas in a democratic system a country that sovereignty is entirely in the hands of the voters. people's hands. The legislature must be more obedient to the interests of constituents than to the interests of political parties. The legislature has an obligation to draft laws that are made and function to solve problems that are felt by its constituents. If the legislature actually produces mandates that have nothing to do with societal problems, even for the benefit of people who are in their constituency, then the legislature is considered to have violated the mandate given by the voters.

The social contract in elections is a concrete form in which the community gives a mandate to representatives who can be trusted to sit in government and legislature and provide satisfaction to the voting public so that those who vote in elections expect to create a sense of security, peace and get justice in life so that the contract Social issues in elections can be used as a basis by mandate holders, that the beliefs and positions they hold are mandates that must be accounted for in the world and the hereafter.

The social contract in elections is an object of trust given by society to political elites to regulate the life of the nation by prioritizing morality. Morality here means that leaders who have been entrusted with leading and managing people's lives prioritize good

moral aspects so that exemplary leadership manifests itself in the life of the nation and state.

At the end of the discussion of the results of this study the author would like to convey that it must be realized that elections are not only a mechanism for democracy but elections also contain the values of freedom and justice for the people to give equal political rights. Especially for citizens who have reached the age of majority to exercise their right to vote which has fulfilled the requirements under the Law on Elections. The political rights referred to here are full individual participation to provide voting support to people who are considered believers to fill certain positions in the legislature or in the government.

For civil society, elections are the only valid basis for the prevailing political power. Elections as a political alliance to protect each other and protect each other's political rights. It also has a pragmatic orientation, namely to prevent social problems and overcome political anarchy by establishing public authority through three power structures, namely the Legislature, Executive and Judiciary. On the other hand, with elections, the people will find perfect freedom about everything.

CONCLUSION

Social Contracts in elections which are carried out every five years in accordance with the Act which are

actually implemented in the polling place (TPS) are only carried out routinely to gain political legitimacy. In its implementation, the social contract in elections is an object of trust given by society to political elites to regulate the life of the state by prioritizing morality.

As an ideal form in the democratic order of society, the social contract in elections is a concrete form in which the community gives mandates to representatives who can be trusted to sit in government and legislatures and provide satisfaction to the electorate so that those who vote in elections hope to create a sense of security, peace and get justice in life so that the social contract in elections can be used as a basis by the mandate holder, that the trust and position he holds is a mandate that must be accounted for.

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