

The Construction of Justice from the Perspective of Social Contract Legal Philosophy: A Comparative Study of Hobbes, Locke, and Rousseau in the Context of Indonesian Law

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Abstract

This study analyzes the concept of justice from the perspective of the Social Contract Theory according to Thomas Hobbes, John Locke, and Jean-Jacques Rousseau. These three philosophers have different views on social contracts and justice. Hobbes emphasized the importance of the state in protecting individuals from brutal natural conditions; Locke emphasized the importance of individual natural rights and the role of the state in protecting those rights; while Rousseau emphasized the importance of the general will of society and the role of the state in upholding that general will. By using juridical-philosophical and comparative analysis methods, this study shows that justice from the perspective of the Social Contract Theory is the highest value for the state to uphold. Therefore, the state has an important role in realizing justice for citizens in Indonesia by increasing political awareness and active participation of citizens, ensuring transparency and accountability in government and political parties, protecting citizens' rights, and promoting popular sovereignty. Thus, justice can be realized for all citizens.

Keywords: Social Contract, Legal Justice, Social Contract Legal Philosophy, Hobbes, Locke, Rousseau

INTRODUCTION

Justice is one of the most important and complex themes in philosophy. Since ancient times, philosophers such as Plato and Aristotle have discussed the concept of justice and offered different definitions (Amberi, 2023; Antari, 2022; Dwi Indriati et al., 2022; Lefkowitz, 2020; Skiba, 2020; Varaba & Berebon, 2022). In the context of legal philosophy, Suko Wiyono (2021) states that the purpose of law is emphasized on justice. In the modern context, Social Contract Theory is one of the most influential approaches to understanding justice (Jahn & Brühl, 2018; Pinto, 2021; Reijers et al., 2016; Seabright et al., 2021).

Social Contract Theory is one of the most influential theories in modern political philosophy. This theory argues that justice and society arise from the social contract between the individuals who compose society. This social contract is an agreement among individuals to form a society and a state that can protect their rights and interests (Budahu, 2024; Fikri S., 2024). Van Apeldoorn, as cited by Otari Sadino, states that the purpose of the law is to regulate a just and peaceful society. Peace is sought and maintained so that human needs can be fulfilled: namely, honor, independence, a decent livelihood, and property (Suko Wiyono, 2021).

Darussalam, FI, Indra, A.B., & Rahman (2024) explain that for Hobbes, justice arises from the social contracts made by individuals to protect themselves from brutal and unstable natural conditions. Under natural circumstances, individuals have the right to do anything to protect themselves, but this can lead to conflict and chaos. Therefore, individuals create social contracts to form a state that can protect them and uphold justice.

John Locke had a different view of justice. According to him, justice arises from the natural rights possessed by individuals, including the right to life, the right to freedom, and the right to own property. The state has a role in protecting these rights and upholding justice (Hasbi S., Marco M., Syahuri T., & Setiadi, W., 2024).

Jean-Jacques Rousseau had a more radical view of justice. According to him, justice arises from the general will of society, which is the result of a social contract between

individuals. This general will must take precedence over individual interests, and the state has a role in enforcing this common will (Animuntaha, F., 2025).

Therefore, humans need to create a social contract to form a state that can protect individual freedom and equality. The state has an important role in safeguarding the common interests of every citizen, and the laws created by the common will must be obeyed. However, cases of violence, shootings, and conflicts against the backdrop of SARA show that the state is not fully able to fight for justice for all citizens (Tempo, 2011-2012 December-January 1; Kompas, 2012; Ul Haq, 2012; Amsari, 2012). For example, the dissolution of worship in Padang on July 27, 2025, which resulted in two children being injured and a prayer house being damaged, as well as the forced disbanding of a Christian student retreat in Sukabumi. In addition, political parties and coalitions often prioritize their own interests over the interests of the people (Sinombor, 2025; Eva Eviany & Sutiyo, 2023). Therefore, justice in the social contract is one way to achieve security and stability in society, especially for the Indonesian people who face various national problems, with the ideology of Pancasila as the foundation of the state.

This research aims to discuss justice from the perspective of Social Contract Theory, focusing on the thoughts of Thomas Hobbes, John Locke, and Jean-Jacques Rousseau. Through comparative analysis, this study will synthesize the concept of justice from the three thinkers and evaluate their relevance to the lives of the Indonesian nation, which currently faces various challenges such as violence in religious life, political parties prioritizing their own interests, and state officials who sometimes neglect their responsibilities to protect their citizens. This research is limited to normative philosophical juridical studies; however, these limitations open opportunities for more comprehensive follow-up research, such as sociological and normative studies in the context of positive laws related to the formation of legislation.

RESEARCH METHOD

This study used the doctrinal law research method with a juridical-philosophical and comparative analysis approach to examine the concept of justice from the perspective of the Social Contract Theory of Thomas Hobbes, John Locke, and Jean-Jacques Rousseau, as well as its implications for Indonesian society. The doctrinal law research method focuses on the analysis and interpretation of law, as explained by Peter Mahmud Marzuki (2005). Juridical-philosophical and comparative analyses were applied to explore the concept of justice in the Social Contract Theory of these philosophers. The data sources consisted of primary and secondary materials, including relevant works in philosophy and legal theory.

RESULTS AND DISCUSSION

The Social Contract: Implications for Individual and State Relations

The Social Contract Theory is one of the most important concepts in modern philosophy, developed by three leading philosophers: Thomas Hobbes and John Locke of England, and Jean-Jacques Rousseau of France. They have a unique and influential perspective on the development of philosophy, especially in understanding the relationship between the individual and the state (Tjahjadi, S. P. L. 2004).

Hobbes and Locke, as British philosophers of empiricism, believed that the source of human knowledge was experience. This became the basis for their epistemological and anthropological constructions. Human experience also influences their political motivations, which in turn shapes social contract theory (Hardiman, F. B., 2007).

The context of these two philosophers' times was the optimism of human reason and anthropology. They believe that humans have the ability of reason to achieve the truth and

regulate their own lives (personal autonomy). Humans are the main benchmark in understanding the world and society.

Their thoughts were also thrown out as a criticism of the institutions of the time, namely the government that ruled arbitrarily and caused oppression and poverty. Rousseau, for example, criticized a corrupt and unjust empire, while Hobbes witnessed the fight between the king and parliament, as well as the ambition to expand state power. (Tjahjadi S. P. L., 2004).

At that time, science had developed rapidly, and knowledge was considered the force to govern and build human civilization. Their thinking reflected the spirit of the times, which emphasized the importance of reason and knowledge in understanding the world and society. Thus, the theory of the social contract has become one of the important concepts in modern philosophy, influencing the development of political and social thought to this day.

The Implications of Thomas Hobbes's Social Contract on Law and Society

Thomas Hobbes, one of the most influential philosophers in the history of political philosophy, had a unique view of the social contract. What Hobbes initiated had implications for society. Thomas Hobbes lived in an era full of conflict and polemics, namely the civil war in England between King Charles I and Oliver Cromwell's Parliament. This experience influenced his view of human nature and the need for a social contract to form a stable and secure state (Bird, C. 2006; Amy M. Schmitter, 2025).

According to Hobbes, humans are inherently selfish and have a desire to satisfy themselves. In the state of nature, humans live in an all-against war state, in which each individual seeks to protect himself and achieve his own goals. This state of affairs is known as *bellum omnium contra omnes* or war all against all. (Magnis-Suseno, F., 1987; Amy M. Schmitter, 2025)

Hobbes had a pessimistic view of human nature. According to him, humans are materialistic creatures and have wild passions that cannot be controlled. Humans have a desire to dominate and seek personal satisfaction, so they become antisocial. This is known as *homo homini lupus* or humans are wolves to other humans (Muhamad Erwin, 2024).

To overcome the brutal and unstable state of nature, Hobbes argued that humans need to create a social contract to form a state that can protect them. The state has absolute power to enforce the law and protect individuals from external and internal threats (Magnis-Suseno, F., 1987; Amy M. Schmitter, 2025).

The social contract in Hobbes' perspective has significant implications for society. The state has absolute power to enforce the law and protect individuals from external and internal threats. Individuals must be subject to and obey the law, and the state will protect them from external and internal threats (Saputra, B.A., 2025).

The concept of justice in the perspective of Social Contract Theory has great relevance for the life of the Indonesian nation. In the Indonesian context, justice is related to the protection of human rights, law enforcement, and the public interest of the community. Therefore, the state has an important role in upholding justice and protecting the rights of individuals in safe and stable conditions (Saputra, BA, 2025).

Therefore, the social contract in the perspective of Thomas Hobbes is one of the most influential theories in modern political philosophy. This theory argues that humans need to create a social contract to form a state that can protect them from brutal and unstable natural conditions. The state has absolute power to enforce the law and protect individuals from external and internal threats. Therefore, the social contract is one way to achieve security and stability in society (S. A., 2024)

John Locke's Social Contract: Limitations on State Power and Protection of Human Rights

John Locke had the idea of the social contract that had implications for society and law. John Locke lived in a turbulent time, namely the civil war in England between King Charles I and Parliament. This experience influenced his view of human nature and the need for a social contract to form a stable and secure state. Locke is also known as the father of liberalism, and his thoughts on the social contract are still followed and developed to this day (Tjahjadi, S. P. L., 2004; Hasbi S. et al., 2025)

According to Locke, human beings basically live in harmony and have freedom and property rights. Humans act on the basis of the laws of nature and take care of each other's lives and strive not to ruin life. However, when money is created, people compete with each other to accumulate as much wealth as possible, thus creating a new problem, namely the emergence of a gap between "the rich and the poor". This leads to inequality and conflict between individuals (Fikri S., 2024).

According to Hasbi S. et al., said that Locke created the social contract to form a state that could protect the rights of individuals. The main purpose of this social contract is the protection of human property rights. The state has no absolute power, so Locke divided power into several parts, namely:

1. Legislative Power: The Democratic Legal Basis

Legislative power is a key element in the concept of power distribution according to John Locke. Responsible for making laws that protect the natural rights of individuals, namely life, liberty, and property. The legislature should be made up of representatives democratically elected by the people, thus ensuring that the voice of the people is heard and represented in the law-making process.

2. Executive Power: Exercising the Law Responsibly

Executive power has an important role in executing and enforcing laws that have been made by the legislature. The executive must carry out legitimate policies in accordance with the laws established by the legislature, and must not have uncontrolled powers. This ensures that executive power is not abused and remains accountable to the legislature.

3. Federative Power: Regulating Foreign Relations and National Defense

Federative power is related to foreign policy and national defense. Responsible for regulating the country's relations with other countries and ensuring the security of the country through the use of military force if necessary. This power must also work in tandem with legislative and executive powers to achieve legitimate governmental goals. (2025, 564-565 & 570)

The division of power according to John Locke has significant implications in the system of government. By separating legislative, executive, and federal powers, governments can prevent abuse of power and keep governments from acting arbitrarily. It also ensures that the natural rights of individuals are protected and guaranteed by the government (Tjahjadi S. P. L., 2004).

Locke's understanding of the state is known as the Constitutional State, where the state works according to the constitution. The state has limited power and must be accountable to the people. The Constitution is the basic law that regulates state power and protects individual rights. For Sri Ayu Astuti (2025), Human Rights (HAM) is a dignity that belongs to all human beings and cannot be taken away by anyone. Human rights are guaranteed by the state in its legal certainty.

The social contract in Locke's perspective has significant implications for society and law. The state has limited powers and must protect the rights of individuals. Individuals have freedom and property rights that must be protected by the state. The social contract also allows

individuals to have control over the power of the state and ensure that the state does not abuse its power (Fikri S., 2024).

The social contract in the perspective of John Locke is one of the most influential theories in modern political philosophy. This theory argues that humans need to create a social contract in order to form a state that can protect the rights of individuals. The state has limited power and must be accountable to the people. Therefore, the social contract is one way to achieve security and stability in society.

Rousseau's Social Contract: Legal and Justice Implications

Jean-Jacques Rousseau, one of the most influential philosophers in the history of political philosophy, had a unique view of the social contract. Rousseau lived in the 18th century, when European society was undergoing major political, economic, and social changes. He sees that modern society has lost the freedom and equality that humans have in their natural state. Rousseau argued that man was born free, but everywhere he was shackled by unjust systems of social life (Tjahjadi S. P. L., 2004).

According to Rousseau, human beings in their natural state are good and live simply and in harmony with the natural environment. Man can act according to his feelings and not be under the power and pressure of others, so that he has the same rights and freedoms of the individual. However, this natural state turned into property rights along with the progress of culture. Humans seek to own land and establish it as their own, thus creating a social gap between the rich and the poor (J.J. Rousseau, 2017; Fikri S, 2024).

Rousseau offers two ways to overcome this problem, namely the educational path and the political path. The political path is a country based on consensus towards freedom and equality. This theory is known as the Social Contract Theory. On this political path, everyone agrees to form an institution that safeguards the common interests of every citizen. The Institutional Agreement is the state. The state becomes a moral institution, which is based on a social contract (Tjahjadi S. P. L., 2004; J. J. Rousseau, 2010; Animuntaha F., 2025).

According to Muhamad Erwin and Fikri, S., Rousseau offered the existence of a general will (*Volonte generale*) in the state. This common will will ensure the realization of the interests of each individual, such as justice, peace, and security. This general will is obtained from the Vote of each member state per individual. In this vote, the public will is filtered from individual interests (Muhamad Erwin, 2024; Fikri, S., 2024; Magnis-Suseno, F., 1992).

The social contract in Rousseau's perspective has significant implications for society and the law. The state has an important role in safeguarding the common interests of every citizen. The law created by the common will must be obeyed, because it is the sovereignty of the people. The participation of all citizens in the law-making process ensures that this law is fair and represents the interests of all citizens (Magnis-Suseno F., 1992).

Synthesis of Social Contract Theory: Hobbes, Locke, and Rousseau

Social contract theory is one of the most influential theories in modern political philosophy. This theory argues that justice and society arise from the social contract between the individuals who make up society. The concept of justice in the perspective of the social contract theory of Hobbes, Locke, and Rousseau is applied in the school of legalism. This school emphasizes that state power comes from the laws of ratio and logic. Manujsia can think logically and needs an organization that becomes his country (Wattimena A. A. R., 2007; Muhamad Erwin, 2024).

A social contract is an agreement or agreement between individuals with each other to form a society and a state that can protect their rights and interests. Hobbes argued that the social contract is necessary to protect every citizen from brutal and unstable natural conditions. Locke argued that the social contract is necessary to guarantee the property rights of

individuals. Rousseau argued that the social contract is necessary to realize individual freedom and equality (J.J. Rousseau, 2017).

The embodiment of the social contract is the state, which has the authority to realize the purpose of the social contract. This authority is a direct delegation from each member of the state or citizen. Hobbes with his Leviath, Locke with the limitations of state power, and Rousseau with the Common Will. The state has an important role in realizing justice for citizens.

Justice in the perspective of social contract theory is the embodiment of the social contract between the individuals who make up society. The state has an important role in realizing justice for citizens. Justice is a "state" that guarantees every citizen to obtain security, property rights, and freedom and peace, with authority, law, and mutual consent (people's sovereignty).

A comparative analysis of Hobbes, Locke, and Rousseau shows that the three philosophers had different views on the social contract and justice. Hobbes argued that the state should have absolute power to protect citizens. Locke argued that the state should have limited power and should protect the property rights of individuals. Rousseau argued that the state should embody the common will and protect individual freedom and equality.

From these three thinkers, we can see that justice arises from the social contract between the individuals who make up society. However, the three thinkers have differences in understanding the role of the state and individuals in upholding justice. Hobbes emphasized the importance of the state in protecting individuals from brutal natural conditions. Locke emphasized the importance of individual natural rights and the role of the state in protecting those rights. Rousseau emphasized the importance of the public will and the role of the state in enforcing the public will (Budahu et al., 2024).

Justice in the perspective of social contract theory is the highest value for the state to fight for. The state must have its presence to realize justice for citizens. This justice is the source and embodiment for citizens through the rights that must be given. Therefore, the state must take full responsibility for realizing justice for the citizen, as Thomas Aquinas said, "Unicuique suum", giving what is to its right.

Thus, humans need to create a social contract to form a state that can protect individual freedom and equality. The state has an important role to play in safeguarding the common interests of every citizen, and laws created by the common will must be obeyed. Therefore, the social contract is one way to achieve security and stability in society. The implication is that the state must have an important role in realizing justice for citizens. The state must protect the property rights of individuals, guarantee security and freedoms, and realize the common will. Therefore, the state must have effective and efficient power to realize justice for citizens.

Pancasila as a Social Contract: Implications for the Development of a Just and Democratic Society

Social contract theory is one of the most influential theories in modern political philosophy. This theory argues that justice and society arise from the social contract between the individuals who make up society. A social contract is an agreement or agreement between individuals with each other to form a society and a state that can protect their rights and interests. Hobbes, Locke, and Rousseau had different views on the social contract and justice. Hobbes argued that the state should have absolute power to protect citizens. Locke argued that the state should have limited power and should protect the property rights of individuals. Rousseau argued that the state should embody the common will and protect individual freedom and equality.

Justice in the perspective of social contract theory is the highest value for the state to fight for. The state must have its presence to realize justice for citizens. This justice is the source and embodiment for citizens through the rights that must be given. Therefore, the state must be

fully responsible for realizing justice for citizens by giving what is their right". The implication is that the state must have an important role in realizing justice for citizens by protecting individual property rights, ensuring security and freedom, and realizing the common will.

The theory of the social contract is very relevant to the current condition of Indonesia because it emphasizes the importance of the role of the state in realizing justice for citizens. In Indonesia, this concept can be linked to Pancasila which is the foundation of the state and emphasizes values such as mutual cooperation, social justice, and democracy.

Pancasila as a Social Contract: Pancasila can be considered as a form of social contract that is the basis for the life of the nation and state in Indonesia. The values contained in Pancasila such as social justice and democracy reflect the principles of the social contract put forward by Rousseau and other philosophers.

Pancasila as the foundation of Indonesian politics emphasizes the importance of values such as mutual cooperation, social justice, and democracy in the life of the nation and state. As a social contract, Pancasila is the basis for the life of the Indonesian people and determines the role of the government in protecting the rights of citizens and realizing justice. The Government of Indonesia has an obligation to provide good and equitable public services, as well as ensure the active participation of the public in the political process through elections and involvement in the decision-making process. Pancasila can be an effective foundation for the development of a just and democratic society in Indonesia.

CONCLUSION

The theory of the social contract offers a framework for achieving justice within a state, but its application in Indonesia—a diverse and complex society—remains limited, as demonstrated by ongoing violence, religious conflicts, and disputes over places of worship. Political parties and coalitions often prioritize their own interests, undermining popular sovereignty and obstructing the full realization of justice. Analysis of incidents like the Mesuji conflict and the persecution of the Ahmadiyah community reveals a significant gap between the ideal of social contract justice and Indonesia's lived reality, emphasizing the need for systemic reform. Unlike previous studies that mainly focused on theoretical aspects or isolated cases, this research comprehensively examines the structural, political, and social barriers to justice. It identifies key obstacles and proposes reforms such as strengthening civic education, enforcing constitutional rights, improving governance transparency and accountability, and encouraging citizen participation. These findings aim to assist policymakers, civil society, and political actors in developing strategies that promote justice, public trust, and social cohesion. Future research should explore the practical implementation of these reforms and assess their impact in fostering a more just and equitable political system in Indonesia.

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