



Enforcement of the Rule of Law in the Case of Ojol Run Over by BRIMOB: Criticism of Equality Before the Law

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Abstract: This study analyzes the application of the rule of law principle in cases of violence by officials against online motorcycle taxi drivers, focusing on the incident in which Affan Kurniawan died after being run over by a Brimob tactical vehicle. This case attracted public attention because it was considered to reflect unequal treatment under the law between officials and civilians. Using a qualitative approach and case study method supported by literature review, this study examines the chronology of events, institutional responses, and their relevance to the principles of the rule of law, equality before the law, and human rights protection as stipulated in the 1945 Constitution, the Criminal Code, the TNI Law, and the Human Rights Law. The findings of this study reveal a structural pattern of impunity for officials, weak internal accountability, overlapping military-civilian jurisdictions, minimal transparency, and power bias in the legal process. These conditions have resulted in civilians, especially ojol workers in the gig economy who are in a vulnerable position, not receiving equal legal protection. This study confirms that the handling of cases of violence by officials is still far from the ideal rule of law, and that more independent, transparent, and integrated accountability mechanisms are needed to ensure justice for victims and increase the legitimacy of security institutions.

Keywords: Rule of law, Equality before the law, Online motorcycle taxis, Human rights, Accountability of officials.

1. Introduction

The viral case of an online motorcycle taxi driver being run over by a tactical vehicle belonging to a member of the Mobile Brigade Corps (BRIMOB) attracted widespread public attention because it demonstrated violence by state authorities against civilians. Video footage of the incident circulated widely on social media and triggered public outrage over actions perceived as exceeding authority and violating the public sense of justice (Yayasan Lembaga Bantuan Hukum Indonesia, 2025). The rapid dissemination of this case reflects the growing role of digital platforms and gig-economy solidarity networks in amplifying civilian grievances against state violence.

Public scrutiny intensified because this case is widely regarded as an illustration of inequality in the treatment of law enforcement officials and civilians within Indonesia's legal system. Previous studies on law enforcement practices in Indonesia confirm that state apparatus often receive more lenient treatment compared to civilians when involved in acts of violence (Suhendar, 2024). Consequently, this incident has reignited serious public debate over whether the law is enforced objectively and impartially, regardless of the perpetrator's institutional status.

Unlike previous studies on state violence that predominantly focus on patterns of excessive force, human rights violations, or normative legal frameworks, this study specifically addresses the intersection between viral digital evidence, gig-economy vulnerability, and institutional accountability within law enforcement. This research fills a critical gap by examining how the circulation of viral video footage and solidarity networks among online motorcycle taxi drivers influence public pressure, legal

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narratives, and the responsiveness of accountability mechanisms in cases involving official violence. Furthermore, this study departs from earlier literature by analyzing not only whether violence occurred, but how the institutional status of the perpetrator shapes investigative processes, legal framing, and differential treatment before the law in practice.

In modern constitutional theory, the principle of the rule of law requires equality before the law, fair and impartial enforcement mechanisms, and full accountability for every legal violation, including those committed by state officials (Ginting & Sugenda, 2024). However, numerous empirical studies indicate that violence perpetrated by officials often reinforces the perception that equality before the law remains inadequately implemented in practice. Research on excessive use of force by security personnel demonstrates that such acts are frequently not followed by proportionate legal accountability, thereby weakening public trust in the justice system (Siregar et al., 2025).

This situation reinforces the perception that state officials, particularly law enforcement officials, occupy a relatively privileged legal position that tends to protect them from criminal accountability compared to ordinary citizens. Empirical studies show that violence committed by law enforcement officials in the course of their duties is often not followed by fair and transparent law enforcement, giving rise to the impression of structural impunity in Indonesia's security sector (Ismail et al., 2023). Jurisdictional dualism between military and civilian justice systems further complicates accountability and often delays or obstructs effective legal remedies for victims. (Arbani, 2025)

Normatively, Indonesia has established strong constitutional and statutory guarantees for human rights protection and equality before the law, as enshrined in the 1945 Constitution and reinforced by the Human Rights Law and sectoral legislation governing the TNI. Constitutional scholarship emphasizes that, in principle, Indonesian law mandates equal legal protection for all citizens without exception (Ginting & Sugenda, 2024). Nevertheless, empirical findings reveal a persistent power bias in legal practice, especially when officials are implicated as perpetrators of legal violations (Adies & Gunarto, 2020).

Structural obstacles such as weak internal oversight mechanisms, a tendency toward institutional impunity, low transparency in the investigation process, and limited civilian control over security forces continue to widen the gap between legal ideals and actual implementation in Indonesia. Research shows that human rights violations by TNI and Polri personnel not only undermine public trust, but also indicate weak law enforcement against officials who commit violations in the context of professionalism and institutional responsibility (Dwiputri et al., 2025). These challenges are particularly detrimental to vulnerable groups such as online motorcycle taxi drivers, who already face regulatory uncertainty and limited legal protection within Indonesia's app-based transportation sector (Agustine, 2025).

Based on these issues, the research questions in this study are as follows: How is the principle of the rule of law applied in the case of an online motorcycle taxi driver who was hit by a member of the Mobile Brigade (BRIMOB), and to what extent does the handling of this case reflect equality before the law? This study aims to comprehensively analyze the application of the rule of law in this case, identify differences between legal norms and empirical practices, and critically examine the role of state officials in the law enforcement process. The rule of law is understood as an important foundation in responsible state administration, the effectiveness of which is greatly influenced by community involvement in monitoring the law enforcement process in order to strengthen substantive justice (Karyudi & Firdausiah, 2024).

In line with this understanding, the effective implementation of the rule of law cannot be separated from a commitment to the protection of human rights, given that various stages of the law enforcement process in Indonesia still face challenges in ensuring the fulfillment of the basic rights of citizens (Aristawati & Wati, 2023).

Ultimately, this study seeks to contribute to strengthening the accountability of officials and promoting a more just, transparent, and human rights-oriented rule of law in Indonesia (Mayulu, 2025).

2. Materials and Methods

This study uses a qualitative approach with a case study method. A qualitative approach was chosen because this study aims to produce an in-depth understanding of complex social and legal phenomena, particularly those related to cases of violence against online motorcycle taxi drivers committed by members of the Indonesian National Armed Forces (TNI) or Mobile Brigade Corps (Brimob) (Suhendar, 2024). This approach allows researchers to interpret the data and socio-legal context contained in various documents, thereby understanding the meaning behind the events that occurred (Ginting & Sugenda, 2024). The case study method was used to intensively examine a specific event through a holistic analysis of the chronology, institutional responses, law enforcement dynamics, and its relevance to the principle of the rule of law (Adies & Gunarto, 2020). Using this method, the study was able to identify the relationship between the behavior of officials, positive legal regulations, and public perceptions of justice, thereby assessing whether the principle of equality before the law was truly being applied or whether there was unequal treatment when state officials were involved in criminal acts.

In support of this analysis, this study uses literature review as the main data collection technique. The literature study was conducted by examining various relevant documents and written sources, given that the case under review involved legal, social, and institutional dimensions. The literature included primary legal documents such as the 1945 Constitution, particularly articles concerning the rule of law, equality before the law, and human rights (Indonesia, 1945); the Criminal Code (KUHP) which regulates criminal acts of abuse and criminal liability (KUHP Articles 351–355); Law Number 34 of 2004 concerning the TNI which regulates military discipline and justice (Indonesia, 2004); and Law Number 39 of 1999 concerning human rights (ABADIE et al., 1999). In addition, the research also used secondary sources such as academic publications related to the rule of law and accountability of officials, journal articles, media investigative reports, and reports from independent institutions on violence by officials.

The data collection process was carried out in several stages, beginning with a literature inventory by gathering materials from online journals, official websites of state institutions, and public documents such as statements from the Indonesian National Armed Forces, the Indonesian National Police, the National Human Rights Commission, and other institutions (Siregar et al., 2025). Once the data was collected, it was screened based on its relevance to the topic of law enforcement, its connection to cases of motorcycle taxi drivers being run over by the authorities, the credibility of the sources, and the relationship between the data and the theoretical framework used. Next, the documents that passed the selection process were grouped based on their categories, such as legal documents, institutional reports, academic analyses, and news articles containing chronologies, thereby facilitating the processing and analysis process.

To minimize the risk of bias toward a single perspective, this study applied explicit selection criteria for all documents used, including legal texts, institutional reports, media coverage, and academic literature. These criteria were designed to ensure balance, comparability, and analytical neutrality across different types of sources, particularly in a sensitive case involving state officials.

Primary legal materials were selected based on their formal authority, relevance to the case, and direct regulatory connection to the accountability of state officials, rather than interpretative opinions. Institutional reports were chosen by comparing official state narratives with reports from independent oversight bodies to capture divergent institutional positions. Media sources were selected from multiple outlets with different editorial orientations and were limited to reports providing verifiable facts and clear chronologies, rather than opinion-based commentary.

Data analysis in this study used descriptive qualitative analysis methods consisting of data reduction, categorization, and interpretive analysis stages. In the data reduction stage, researchers selected important information from the collected documents, focusing on the chronological facts of the case, the actions of officials, institutional responses, relevant legal provisions, and potential structural problems in law enforcement. The selected data was then categorized into specific themes, such as law enforcement against TNI members, implementation of the rule of law, equality before the law, human rights violations, and potential institutional bias (Arbani, 2025). The coding process enabled the researcher to identify patterns and relationships between variables. At the interpretive analysis stage, the categorized data is analyzed by linking it to legal theories and regulations to assess whether the actions of the authorities fulfill the elements of a criminal offense in the Criminal Code, whether the handling of the case is in accordance with military legal mechanisms, whether there has been legal discrimination, and how power relations influence the legal process and public perceptions of justice (Rumalean et al., 2022).

Data validity is maintained by using several techniques, namely source triangulation, theory triangulation, and document criticism. Source triangulation is carried out by comparing legal documents, official institutional reports, media reports, and academic literature to ensure the accuracy of information. Theory triangulation is carried out by comparing the findings of the analysis using the theories of the rule of law, equality before the law, power, and accountability, so that the research results are more objective (Ginting & Sugenda, 2024). In addition, document critique is carried out to assess the validity and credibility of each piece of data, including the objectivity of the author, the accuracy of the information, and the underlying social and political context.

The main focus of this study is to analyze the application of the rule of law in cases of motorcycle taxi drivers who have been run over by the authorities, assess the extent to which the handling of cases reflects the principle of equality before the law, examine the relevance of the authorities' actions to the legal regulations governing the accountability of TNI members, and identify forms of injustice, power bias, and structural barriers in the legal process. This study has several limitations, namely the use of secondary data without field interviews, limited access to internal military data, and the limitations of a descriptive-analytical approach that does not formulate technical recommendations.

3. Results and Discussion

The case of violence against Affan Kurniawan, an online motorcycle taxi driver, became a national concern after he died after being hit by a Brimob tactical vehicle in Central Jakarta (Taufiq Syarifudin, 2025). According to his family, Affan left home as usual to go to work before he was found dead as a result of the incident. This incident went viral on social media and sparked public outrage and demands for justice (Rumondang Naibaho, 2025). Public condemnation arose because this incident was seen as reflecting inequality in the treatment of the law and contrary to the constitutional principle that Indonesia is a country based on the rule of law as stipulated in Article 1 paragraph (3) of the 1945 Constitution(Indonesia, 1945).

In addition, Article 28D paragraph (1) affirms the right of every citizen to receive fair legal treatment, so this incident raises questions about the commitment of state institutions to protect civilians (Indonesia, 1945). Increasing pressure from the public has prompted the Criminal Investigation Unit of the Indonesian National Police to examine witnesses and collect CCTV footage as part of the official investigation process (Rumondang Naibaho, 2025).



Figure 1. An online motorcycle taxi driver died after being hit by a Brimo vehicle.

This incident highlights a fundamental problem in the application of the rule of law in Indonesia, especially when officials are suspected of being the perpetrators. The principle of equality before the law has been constitutionally affirmed in Article 27 paragraph (1) of the 1945 Constitution (Indonesia, 1945) and further reinforced by Law No. 39 of 1999 on Human Rights, which obliges the state to protect citizens' rights to security and freedom from violence, including violence committed by state officials (ABADIE et al., 1999). According to Ginting & Sugenda, although Indonesia has constitutionally adopted a constitutional state system, its implementation still faces significant challenges, particularly related to weak accountability and limited independence of law enforcement officials.

A similar phenomenon also occurred in another case involving a member of the Indonesian Navy who openly assaulted an online motorcycle taxi (ojol) driver in West Jakarta after feeling disturbed by the horn when a tactical vehicle cut across the lane (Wildan Noviansah, 2025). This incident went viral and triggered public condemnation and demands for strict sanctions against the officer, illustrating that the perpetrator was not an ordinary citizen but an officer who was supposed to maintain public security rather than perpetrate violence.

From a legal perspective, Article 28G paragraph (1) of the 1945 Constitution guarantees protection for every individual from acts of violence (Indonesia, 1945), while Law No. 39 of 1999 on Human Rights obliges the state to establish preventive mechanisms to ensure that officials do not commit acts of violence against civilians (ABADIE et al., 1999). Therefore, this incident reinforces the view that the problem is not merely an isolated case but reflects a recurring pattern that requires structural and systemic attention. (Alba'illahi et al., 2024)

The phenomenon of violence committed by officials against motorcycle taxi drivers is consistent with academic findings showing that the implementation of the rule of law in Indonesia continues to face major challenges. (Kadir & Gunarto, 2020) found that although Article 1 paragraph (3) and Article 24 paragraph (1) of the 1945 Constitution affirm Indonesia as a rule-of-law state and guarantee judicial independence, in practice external intervention, corruption, and nepotism continue to obstruct these principles. Weak oversight and ethical mechanisms within law enforcement agencies further undermine official accountability. This situation shows that incidents of violence against online motorcycle taxi drivers are not merely the fault of individuals, but reflect systemic problems such as weak accountability, low transparency, and ineffective

internal oversight mechanisms within law enforcement institutions (Ismail et al., 2023). These findings support the argument that incidents of violence against ojol drivers are not merely individual misconduct but symptoms of systemic weaknesses in accountability, transparency, and effective oversight mechanisms.

The assessment of this case draws on converging evidence from constitutional norms, institutional responses, media-documented facts, and academic findings, all of which consistently indicate structural weaknesses in accountability and oversight. Rather than standing as isolated claims, official narratives, independent institutional reports, and scholarly analyses collectively reinforce the conclusion that violence against online motorcycle taxi drivers reflects broader systemic problems in the implementation of the rule of law.

The principle of the rule of law emphasizes equality before the law, meaning that all citizens, including state officials, must be treated equally. Constitutionally, Indonesia declares itself a state based on the rule of law through Article 1 paragraph (3) of the 1945 Constitution, while Article 27 paragraph (1) guarantees equal legal standing for all citizens and Articles 28A–28I ensure the protection of human rights, including the right to security and justice (Indonesia, 1945). However, the Yayasan Lembaga Bantuan Hukum Indonesia report on the death of Affan Kurniawan indicates serious procedural violations, delays in case handling, and alleged institutional protection for the officers involved, raising serious questions regarding the actual implementation of equality before the law (Yayasan Lembaga Bantuan Hukum Indonesia, 2025).

From a criminal law perspective, actions that endanger life, such as running over a person with a tactical vehicle, fall within the category of severe maltreatment as regulated in Articles 351–355 of the Criminal Code (KUHP). Research shows that unequal legal treatment between officials and civilians often arises due to weak internal accountability systems within law enforcement agencies. This condition highlights the gap between constitutional norms and law enforcement practices in the field (Rofingi et al., 2022).

Violations committed by officials against civilians must also be examined through sectoral regulations, particularly Law No. 39 of 1999 on Human Rights, which prohibits inhumane treatment and guarantees everyone's right to protection from violence (ABADIE et al., 1999). Furthermore, when the perpetrator is a member of the TNI, criminal responsibility is governed by Law No. 34 of 2004 on the TNI, which regulates military discipline, military justice, and the interaction between general criminal law and military law (Indonesia, 2004). This framework confirms that TNI members remain subject to criminal prosecution for crimes committed against civilians.

In Affan's case, the slow pace of the investigation reflects deeper structural problems in the accountability mechanisms of law enforcement agencies. Studies show that a strong culture of camaraderie, practices of impunity, and limited transparency in law enforcement contribute to unequal treatment between state officials and civilians. Thus, the empirical facts in Affan's case confirm that this issue does not stand alone, but is part of a structural weakness in the law enforcement system that contradicts the constitutional principles of the rule of law and the protection of human rights (Rofingi et al., 2022).

The dualism of authority between military and civilian courts constitutes a significant obstacle in handling cases involving crimes committed by TNI members against civilians, including violence against online motorcycle taxi drivers. (Pararuk et al., 2022) shows that the unclear jurisdictional boundaries between civil and military courts often result in protracted and less transparent legal proceedings, especially when cases are handled through internal military mechanisms that limit public oversight. Although acts of violence against civilians clearly constitute criminal offenses under the Criminal Code, particularly severe abuse under Articles 351–355, this dualism creates a gap between constitutional guarantees of equality before the law (Article 27 paragraph (1) of the 1945 Constitution) and actual legal practice (Indonesia, 1945).

Arbani, 2025 further highlights that jurisdictional dualism is a core factor behind weak accountability, as military court proceedings tend to be closed and lack the transparency standards applied in civilian courts. In several cases of violence against (Alba'illahi et al., 2024) motorcycle taxi drivers that have triggered public outrage due to slow institutional responses, this legal mechanism reinforces perceptions of impunity and undermines public trust in the enforcement of the rule of law.

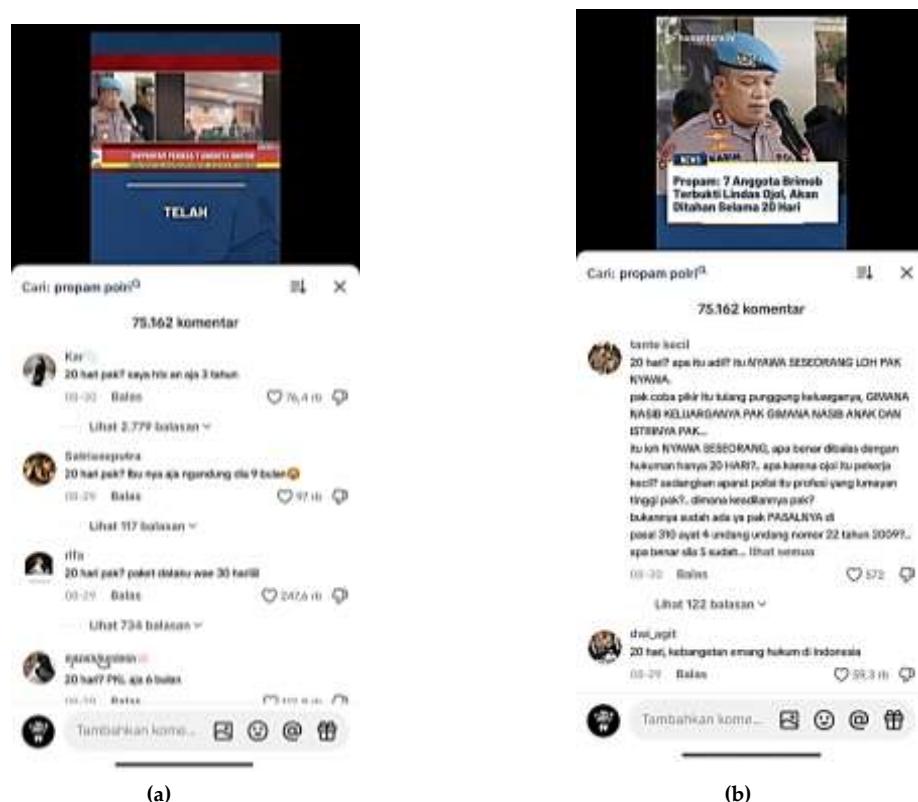


Figure 2. Netizens' comments on Brimob members' sentences of only 20 days

The dissemination of videos of the incident through social media has fueled collective anger and highlighted violations of the right to security and the prohibition of inhumane treatment guaranteed in Articles 28A–28I of the 1945 Constitution and Law No. 39 of 1999 on Human Rights (Alba'illahi et al., 2024). (Ismail et al., 2023) emphasizing that any action by officials that harms civilians without a valid reason can undermine the legitimacy of security institutions, especially if the legal process is unclear or appears to protect the perpetrators. Consequently, the case involving the motorcycle taxi driver is not only a criminal matter but also contributes to the erosion of socio-political trust in state authorities, reflecting how the use of force in public spaces is increasingly scrutinized by public opinion and affects state legitimacy.

The case of the motorcycle taxi driver who was run over by a Brimob vehicle indicates serious violations of the right to life (Article 28A of the 1945 Constitution) and the right to security (Article 28G of the 1945 Constitution), as well as contradictions with the principle of the rule of law (Article 1 paragraph (3)) and the principle of equality before the law (Article 27 paragraph (1) (Indonesia, 1945). The use of lethal force without a commensurate threat violates Law No. 39 of 1999 on Human Rights, which prohibits violence and obliges the state to prevent inhumane treatment (ABADIE et al., 1999). From a criminal law perspective, the act of running over civilians can be classified as maltreatment endangering life under Articles 351–355 of the Criminal Code(KUHP), and therefore remains subject to the principle of general criminal liability (Ismail et al., 2023).

In line with findings regarding weak accountability among civil servants, this case reinforces the argument that internal ethical mechanisms for officials are still inadequate

and tend to result in impunity (Ningsih & Hadi Tuasikal, 2025). In line with findings regarding the importance of independent investigations into patterns of violence by officials, which is relevant given that Brimob personnel are still bound by standards governing the proportional use of force (Sandiy et al., 2025). Although Brimob operates under the National Police rather than the TNI, the precedent set by Law No. 34 of 2004 on the TNI regarding military discipline and military criminal justice confirms that armed officials, regardless of institutional affiliation, cannot be immune from legal responsibility in cases involving civilian lives (Arbani, 2025). This legal framework indicates that the Brimob case meets the criteria for an independent investigation to ensure accountability, transparency, and justice for the victim, while reaffirming the state's obligation to comply with constitutional and international human rights standards (Yayasan Lembaga Bantuan Hukum Indonesia, 2025)

The case also demonstrates serious indications of violations of the right to life (Article 28A of the 1945 Constitution) and the right to security (Article 28G of the 1945 Constitution), and stands in opposition to the principles of the rule of law (Article 1 paragraph (3)) and equality before the law (Article 27 paragraph (1) (Indonesia, 1945). The use of lethal force without proportional threat again contradicts Law No. 39 of 1999 on Human Rights, which prohibits violence and mandates state prevention of inhumane treatment (ABADIE et al., 1999). Criminally, the act potentially fulfills the elements of maltreatment endangering life as regulated in Articles 351–355 of the KUHP and therefore remains subject to general criminal liability (KUHP).

In line with Ismail et al., 2023 and Ningsih & Hadi Tuasikal, 2025 this case further confirms that internal ethical and accountability mechanisms for officials remain weak and susceptible to impunity. (Sandiy et al., 2025) reiterates the necessity of independent investigations into recurring patterns of excessive use of force, particularly because Brimob personnel are obligated to adhere to proportionality standards. Although Brimob is institutionally separate from the TNI, Law No. 34 of 2004 on the TNI remains relevant as a normative reference affirming that armed officials cannot be placed beyond the reach of the law when civilian lives are involved (Siregar et al., 2025). This framework underscores the need for an independent investigation to ensure accountability, transparency, and justice, while affirming Indonesia's constitutional and human rights obligations.

The lack of job security for online motorcycle taxi drivers demonstrates that gig economy workers occupy a highly vulnerable position within Indonesia's labor system. Their classification as "partners" relieves platform companies of employment protection obligations, while the state has yet to establish firm regulations to protect them from disproportionate actions by authorities (Agustine, 2025). This regulatory vacuum creates a legal gray area in which drivers are essential to public mobility but have no guaranteed legal protection when interacting with law enforcement (Perdana & Satory, 2025).

Transportation regulation remains underdeveloped, allowing broad discretion and arbitrary actions by authorities. In the absence of clear legal standards, practices such as raids, intimidation, or repressive treatment can occur without effective oversight mechanisms (Agustine, 2025). This condition contradicts the principle of the rule of law under Article 1 paragraph (3) of the 1945 Constitution, which requires that all state actions be grounded in written legal norms rather than subjective interpretations (Indonesia, 1945) As a result, power relations become unequal: officials possess authority, while ojol drivers lack adequate legal instruments for self-protection.

The vulnerability of ojol workers is also linked to violations of human rights protection principles enshrined in Article 28D paragraph (1) of the 1945 Constitution, which guarantees the right to legal certainty and equal protection before the law (Indonesia, 1945). As informal digital workers, ojol drivers face heightened risks of discriminatory treatment in law enforcement and limited access to social protection mechanisms (Ningsih & Hadi Tuasikal, 2025). The state's failure to ensure equal treatment in the face of arbitrary actions by officials reinforces structural injustice.

Accordingly, their vulnerability stems not only from problematic partnership arrangements with application companies, but also from the weak implementation of the rule of law for informal workers within Indonesia's rapidly expanding digital economy (Agustine, 2025).

Based on normative and empirical analysis of the case of an online motorcycle taxi driver who was hit by a member of the Mobile Brigade (BRIMOB), this study found that the application of the principle of the rule of law in Indonesia is still strong normatively, but weak in the practice of law enforcement. Although the constitution explicitly affirms Indonesia as a country based on the rule of law and guarantees equality before the law and the protection of human rights as stipulated in Article 1 paragraph (3), Article 27 paragraph (1), and Articles 28A–28I of the 1945 Constitution, the handling of this case shows a clear gap between legal norms and their implementation.

This gap is reflected in the slow pace of law enforcement, disproportionate sanctions, and indications of preferential treatment for state officials, which show that the principle of equality before the law has not been consistently applied. Thus, the handling of this case does not fully reflect the supremacy of justice, but rather indicates structural problems in the form of weak accountability, transparency, and oversight mechanisms for law enforcement officials. These findings confirm that violence against civilians, particularly online motorcycle taxi drivers as a vulnerable group, is not merely an individual deviation, but a manifestation of systemic failure to enforce the law equally and protect human rights.

4. Conclusions

This case of violence against Affan Kurniawan and other online motorcycle taxi drivers confirms the existence of a structural pattern of law violations by officials in Indonesia. Empirical evidence shows that officials, both from the National Police and the Indonesian Armed Forces, often receive institutional protection, resulting in accountability, transparency, and law enforcement mechanisms not functioning optimally. The dualism of jurisdiction between military and civil courts, weak internal oversight, and a culture of solidarity within the corps are major obstacles to ensuring the criminal accountability of officials. As a result, civilians, including motorcycle taxi drivers, who are in a vulnerable position, do not receive equal legal protection as guaranteed in Article 1 paragraph (3), Article 27 paragraph (1), and Articles 28A–28I of the 1945 Constitution, as well as Law No. 39 of 1999 on Human Rights.

An operational and integrated accountability mechanism should be designed through the establishment of an independent civilian-led oversight body with cross-institutional authority over both police and military personnel, supported by clear procedural stages ranging from complaint intake, independent investigation, evidence assessment based on human rights standards, to transparent adjudication. Such a mechanism must ensure public access to case progress, allow participation of victims and civil society, apply uniform evidentiary standards regardless of institutional affiliation, and limit internal institutional discretion that has historically enabled impunity.

In addition, this study reveals significant gaps in the literature and practice, where empirical studies based on interviews or ethnography about victims' experiences are still very limited. This reinforces the conclusion that violence by the authorities is not an isolated incident, but part of a systemic problem that requires structural reform, including strengthening internal accountability, transparency in military courts, and public oversight of the authorities. The overall findings emphasize the urgency for the state to consistently uphold the principle of the rule of law, guarantee equality before the law, and protect the rights of civilians from excessive actions by the authorities, so that public trust in legal institutions can be restored.

5. Patents

Research on the enforcement of the rule of law in the case of motorcycle taxi drivers who were run over by BRIMOB emphasizes the need for regulatory reform in the supervision of officials and protection for informal workers. Although this research did not produce a technological patent, the study provides conceptual recommendations that have the potential to be used in the development of policy models, law enforcement accountability instruments, and legal protection guidelines for workers in the digital informal sector. This recommended model can be used as a reference for legal institutions, government agencies, and civil society organizations in developing systemic tools that promote accountability, transparency, and equality before the law.

Supplementary Materials:

1. The following supporting information can be downloaded at: <https://share.google/5dbr5Wa2bq8n6yTgB>, Gambar 1: An online motorcycle taxi driver died after being hit by a Brimob vehicle.
2. The following supporting information can be downloaded at: <https://vt.tiktok.com/ZSfTb8FYU/>, Gambar 2: Netizens' comments on Brimob members' sentences of only 20 days.

Author Contributions: This research is the result of a collaborative effort by five authors. Author 1 was responsible for formulating the main ideas of the research, developing the background of the problem, and conducting an analysis related to the principle of the rule of law and the issue of inequality before the law. Author 2 compiled the methodology, conducted literature searches, and developed a theoretical framework regarding the protection of citizens' rights and accountability mechanisms for officials. Author 3 conducted an in-depth analysis of the case of motorcycle taxi drivers who were run over by BRIMOB, verified the data, and linked the case to regulatory studies. Author 4 was responsible for processing secondary data, mapping relevant regulations, and reviewing the coherence of the arguments in each section of the article. Meanwhile, Author 5 performed the final editing, harmonized the academic language, and ensured that the manuscript complied with journal format and publication ethics standards. The initial draft was prepared jointly, and all authors reviewed and approved the final version of the article.

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Data Availability Statement: All data used in this study were sourced from open literature, including scientific journals, national legal documents, official publications, and published online articles. No new data were generated in this study. All cited sources are accessible via their respective official links.

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References

ABADIE, A., ANGRIST, J., & IMBENS, G. (1999). *UNDANG-UNDANG REPUBLIK INDONESIA 1999*. 19(11), 1649–1654.

Adies Kadir, Gunarto, A. A. M. H. dan M. A. T. (2020). MEASURING THE CONSISTENCY OF PANCASILA RULE OF LAW IMPLEMENTATION IN ENSURING JUDICIAL INDEPENDENCE IN INDONESIA. *Jurnal Hukum UNISULA*, 41(1), 321–345. <https://pdfs.semanticscholar.org/1493/a5a9b09c58eea4d5afeffacdcd148625f6c2.pdf>

Agustine, S. (2025). *Analisis Kekosongan Hukum Terhadap Transportasi Berbasis Aplikasi: Studi Kasus Ojek Online*. 3(3), 815–822. ijdncierjcojrmcircirjm

Alba'illahi Ma'rifatul Fardiyah Assulton, & , Agung Kurniawan, A. R. N. (2024). PENERAPAN RULE OF LAW DALAM HAK

ASASI MANUSIA DI INDONESIA. *Jurnal Hukum Dan Kewarganegaraan*, 9(3), 1–6. <http://info.worldbank.org/governance/wgi/Home/downLoadFile?fileName=rl.pdf>

Alyssia Syahda Aristawati, P., & Ulis Wati, R. (2023). *Penegakan Hukum Dalam Pelanggaran Hak Asasi Manusia (HAM)*. 1(2), 179–187.

Arbani, M. (2025). Jurisdictional Dualism and Military Accountability: Challenges of Human Rights Enforcement in Indonesia's Security Sector. *Jurnal Syntax Transformation*, 6(6), 1–8. <https://doi.org/10.46799/jst.v6i6.1080>

Brianta Petra Ginting, Atma Suganda, S. S. (2024). The Concept of the Rule of Law In The Indonesian Constitution. *Sibatik Journal*, 3(12), 1291–1300. https://doi.org/10.1007/978-3-031-85059-2_7

Dwiputri, V. N., Aresta, F., Windyana Kusumo, P., Aulia Amri, S., Azzahra Putri Ananda, R., Androry, F., Rose, E., Fauziyyah, A., & Mulyadi. (2025). Akuntabilitas TNI dan Polri dalam Kasus Pelanggaran Hak Asasi Manusia di Indonesia. *Jurnal Kajian Hukum Dan Kebijakan Publik*, 02(2), 1132–1143. <https://jurnal.kopusindo.com/index.php/jkhkp>

Ismail, I., Hapsoro, F. L., & Rezaldy, A. M. (2023). Akuntabilitas Penegakan Hukum Terhadap Aparat Kepolisian yang Melakukan Tindak Kekerasan. *Jurnal Hukum Ius Quia Iustum*, 30(3), 602–621. <https://doi.org/10.20885/iustum.vol30.iss3.art7>

Karyudi, B. M., & Firdausiah, N. (2024). *IMPLEMENTASI SUPREMASI HUKUM DALAM PENEGAKAN HUKUM DI INDONESIA*. 1(1), 18–25. <https://ejournal.umsj.ac.id/index.php/lel/>

Mayulu, S. (2025). Menakar Supremasi Hukum dalam Menjamin Hak Asasi Manusia: Antara Prinsip Ideal dan Realitas Implementasi di Indonesia. *Judge : Jurnal Hukum*, 6(03), 398–411. <https://doi.org/10.54209/judge.v6i03.1484>

Ningsih, R. K., & Hadi Tuasikal. (2025). Critical Review of Police Performance in Upholding Law Enforcement and Human Rights in Indonesia. *Jurnal Usm Law Review*, 8(1), 381–397. <https://doi.org/10.26623/julr.v8i1.11757>

Pararuk, S. S., Nugroho, H., & Agus Raharjo. (2022). RESPONSIVE LAW ENFORCEMENT IN HANDLING CIVIL- MILITARY JURISDICTION CASES IN INDONESIA. *Urnal Locus Delicti*, 3(1), 71–98., 2(April), 1–16.

Pasal 362 KUHP. (1998).

Perdana, G. A., & Satory, A. (2025). Analisis Yuridis Kedudukan Pengemudi Ojek dan Kurir Online: Antara Mitra atau Pekerja Harian Lepas. *Jurnal Pendidikan Indonesia*, 6(5), 2661–2679. <https://doi.org/10.59141/japendi.v6i5.7843>

Rofingi, Rozah, U., & Asga, A. R. (2022). Problems of Law Enforcement in Realizing The Principle of Equality Before The Law in Indonesia. *Law Reform: Jurnal Pembaharuan Hukum*, 18(2), 222–237. <https://doi.org/10.14710/lr.v18i2.47477>

Rumalean, Z. Z., Br, W., & Kaluku, J. A. (2022). *Juridical Analysis OF Commando Accountability in Law No 26 of 2000 Concerning Human Rights Court*. 11(5), 3236–3245. <https://doi.org/10.35335/legal>

Rumondang Naibaho. (2025). *Bareskrim Mulai Selidiki Kasus Ojol Affan Tewas Dilindas Rantis Brimob*. https://news.detik.com/berita/d-8128830/bareskrim-mulai-selidiki-kasus-ojol-affan-tewas-dilindas-rantis-brimob?utm_source=chatgpt.com

Sandiy, I., Hanief Saha Ghafur, A., & Yuliatiningtyas, S. (2025). Transforming Democratic Policing in the Digital Era for Law Enforcement Accountability in Indonesia. *Journal of Law and Legal Reform*, 6(4), 1723–1760. <https://doi.org/10.15294/jllr.v6i4.30554>

Siregar, P., Rohman, A. N., & Wahyuni, S. (2025). Law Enforcement Against Violent Crimes By Police Members : A Case Study of the Use Of Excessive Force Against Protesters. *KRTHA BHAYANGKARA*, 19(3), 880–890.

Suhendar, R. D. A. (2024). Equality Before the Law Enforcement in Indonesia. *Sinergi International Journal of Law*, 2(1), 38–48. <https://doi.org/10.1017/S0008197300082441>

Taufiq Syarifudin. (2025). *Sosok Affan Kurniawan, Driver Ojol yang Tewas Dilindas Rantis Brimob*. https://www.detik.com/jatim/berita/d-8085479/sosok-affan-kurniawan-driver-ojol-yang-tewas-dilindas-rantis-brimob?utm_source=chatgpt.com

UNDANG-UNDANG DASAR NEGARA REPUBLIK INDONESIA 1945. (1945). 2(1), 73–80. <https://webcache.googleusercontent.com/search?q=cache:BDsuQOHoCi4J:https://media.neliti.com/media/publications/9138-ID-perlindungan-hukum-terhadap-anak-dari-konten-berbahaya-dalam-media-cetak-dan-ele.pdf+&cd=3&hl=id&ct=clnk&gl=id>

UNDANG-UNDANG REPUBLIK INDONESIA NOMOR 34 TAHUN 2004. (2004). *Metallurgical and Materials Transactions A*, 30(8), 2221.

Wildan Noviansah. (2025). *Tak Terima Diklakson, Anggota TNI AL Pukul Driver Ojol di Jakbar*. *DetikNews*. <https://news.detik.com/berita/d-8171374/tak-terima-diklakson-anggota-tni-al-pukul-driver-ojol-di-jakbar>

Yayasan Lembaga Bantuan Hukum Indonesia. (2025). https://ylbhi.or.id/informasi/siaran-pers/penyampaian-temuan-awal-kasus-kematian-driver-ojek-online-affan-kurniawan-akibat-dilindas-oleh-rantis-rimueng-personil-brimob-polri/?utm_source=chatgpt.com