Legal protection for vocational school students undertaking practical work experience during the pandemic

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Abstract
Fieldwork practice for class XI learners in Vocational Intermediate Schools is a mandatory activity that must be carried out; this is done so that learners are ready to compete in the world of work after graduation following their chosen interests. Although currently in the covid-19 pandemic, fieldwork practices must still be implemented. One of the consent clauses between the school and the parents/guardians of learners mentions that parents/guardians cannot sue the school or company if, during fieldwork practice activities, learners are exposed to the covid-19 virus or have a work accident. The method used in this study uses qualitative descriptive methods, this study aims to find out, how legal protection for learners during the implementation of street vendors in the covid-19 pandemic period is reviewed from law No. 13 of 2003 on Employment and what rights are received by learners during the PKL activities reviewed from Law No. 35 of 2014 on Child Protection. From the results of the research obtained that the form of protection carried out by the school and companies where fieldwork practices are guiding and supervising during this activity, while the rights received by learners in addition to getting grades as a condition of graduation, they also gain experience working directly on the field to be able to compete in the world of work after graduating vocational.

Keywords: fieldwork practice; learners; legal protection

Introduction

Fieldwork Practice (PKL), Industrial Work Practice (Prakerin), or Field Experience Practice (PPL), or also internship is one of the important learning activities that must be carried out by class XI students at the vocational high school level. Internship is a learning method that uses and obtains firsthand information. (Anjum, 2020). Thus, students and lecturers can create
and produce learning both in and outside the classroom, internship provides opportunities for students to learn in practice and they can bridge the gap between practice and theory (Higgins et al., 2012).

Fieldwork practice or internship prepare students at the vocational school level to become graduates ready to work. In this case, vocational schools are organized, aiming to produce graduates who are ready to work, skilled, and competitive. Vocational schools equip their students with certain skills, and there are various benefits to attending these schools. For example, vocational teachers can participate in projects under the Erasmus+ program to gain experience and improve the quality of vocational training (Repečkienė et al., 2022). Electronic modules can also be used to facilitate experiential learning and provide students with access to learning practice videos (Winandari et al., 2022). Additionally, teachers can improve their competence through industrial experience practice, which can offer them industrial work experience, recognized competency certification, and industrial standard vocational competence (Maknun et al., 2022)

Fieldwork practice using systematic and synchronous implementation of educational programs in schools with proficiency in skills programs obtained through work activities directly in the world of work to achieve a certain level of expertise. This practice place usually has a partnership with the school, but it is possible if the group of students carry out street vendors in places other than those determined by the school but must follow their fields and majors. For new places outside of the usual collaboration, the school will usually evaluate first whether the place is appropriate to be used as a place for street vendors for students. The benefits of industrial work practices are varied and can include increased readiness for students entering the workplace (Yuliani & Yuniarsih, 2019), improved knowledge reuse and supplemental work practices (van Zoonen et al., 2022), and tax incentives for innovative development of industrial production (Goncharenko & Vishnevskaya, 2019) Additionally, there can be benefits to aligning and mapping the terminologies and concepts of different types of process models to improve stakeholder collaboration (Zimmermann et al., 2022) Effective human resource management practices can also improve employee satisfaction and performance in industrial sectors (Dubisetty & Reddy, 2022)

In the explanation of Article 15 of the 2003 National Education Law, it is stated that: “General education is primary and secondary education that prioritizes the expansion of knowledge needed by students to continue their education to a higher level. Vocational education is secondary education that prepares students especially to work in certain fields. Academic education is higher education for undergraduate and postgraduate programs directed primarily at mastering certain scientific disciplines. Professional education is higher education after a bachelor’s program that prepares students to have jobs with special skill requirements”.

Vocational education institutions must have long-term planning, graduates will be the main customers, so they must equip them with knowledge and skills that can help them face the industrial market. Institutions should develop thinking models to assist vocational and strategic planners for long-term prosperity (Sunardi, 2017). As we know many benefits will be obtained by students after carrying out this activity, namely increasing self-confidence because students can practice it directly with the knowledge they have acquired during class learning, providing direct experience to students about the real work ethic in the field, fostering discipline and order in work, fostering an entrepreneurial spirit for students, providing provisions and actual work experience. Procter (2012) applying fieldwork practices that provide productive opportunities is considered one of the teaching strategies.

In the city of South Tangerang itself, there is an obligation for students of class XI vocational high school to carry out internship cannot be avoided, considering that the vocational high school curriculum requires students who are already in class. This is regulated in Article 1 point (6) of the Minister of Education and Culture No. 50 of 2020 concerning Field Work Practices for Students, which reads: “Field Work Practices, hereinafter abbreviated as
PKL, are learning for students at SMK/MAK, SMALB, and LKP which are carried out through work practices in the world of work within a certain period according to with the curriculum and the needs of the world of work”. Many benefits will be obtained by students after carrying out this activity, but if it is related to Article 68 of Law Number 13 of 2003, it states that: Employers are prohibited from employing children. Under the labor law, a child is categorized as any person under the age of 18 years. In Article 69 paragraph 1, it is stated that the provisions as referred to in Article 68 can be excluded for children aged between 13 (thirteen) years to 15 (fifteen) years to do light work as long as it does not interfere with the development and health of physical, mental and social.

Fieldwork practice is an activity that will develop the ability of students to practice the knowledge or material obtained during the learning process. In this activity, after students are formed into groups of 2 to 5 people, the next step that must be passed by students is to find a place of practice according to their field of study. carry out the practice permit obtained from the school. Still, if they do not get permission from the intended company, then this group of students will go in and out of the company to find a company that is willing to accept them to carry out practical work, or it can also be allowed. Still, only students who can be accepted some so the rest will look for other companies that will accept them.

The importance of carrying out the obligations of street vendors does not seem to see the situation, because the curriculum demands that street vendors for students in vocational schools require the implementation of this activity. When this research was carried out the atmosphere and conditions in our country were still hit by the covid-19 pandemic, for South Tangerang City itself, the number of people exposed to this virus is getting higher, and the total number of Covid-19 cases in South Tangerang currently reaches 10,778 cases and is categorized into the red zone(Sutrisna, 2021), but from the author’s observation, there are still many vocational schools that require their students to continue to carry out fieldwork practices for a period of between 3 (three) to 4 (four) months. This is considered very risky, especially if they are placed in practical workplaces that are directly related to the community, or in the field of public services. While the majority of these students have not been vaccinated, it is also possible if work accidents also occur to students who are carrying out practical work, while legal protection for these students does not yet exist.

Before Fieldwork Practice, usually the school will ask for approval from the parents/guardians of students, where one of the contents of the agreement is that the parents/guardians will not sue the company or school in the event of a work accident or exposure to Covid-19. The agreement clause must be signed by the parent/guardian as if the parent/guardian had to sign the contents of the agreement without being able to bargain, even though the contents are considered detrimental to one of the parties, namely the parents and the students themselves, if something happens what is desired, then the responsibility is the parent/guardian of the student.

From interviews conducted by researchers with several student respondents and Fieldwork Practice supervisor teachers in South Tangerang City regarding the presence or absence of work agreements between students and companies or institutions during the implementation of PKL, it turned out that all respondents said there was no agreement between them and the company or institution where they worked. carry out street vendors, both between the school and the company, and between the parents/guardians and the company. This is a dilemma in itself if unwanted things happen, especially for students who are prone to be exposed to the covid-19 virus, because when this research was carried out in June 2022, in Indonesia, especially in South Tangerang City, the covid-19 outbreak was high. Besides that, it is undeniable that work accidents happened to these students, besides that the rights for students who are carrying out fieldwork practices are not included in the agreement between the school and the company that accommodates them as if they were hands-off and not
responsible if unwanted things happen, and the company where the street vendors usually will only return these students to the school and their families if unwanted things happen during this street vendor.

The main focus of this research is twofold. Firstly, it aims to examine the extent to which students are protected while engaging in street vending activities, in accordance with Law No. 13 of 2003 on Manpower. Secondly, it aims to investigate the rights afforded to students engaged in street vending during the ongoing Covid-19 pandemic, in accordance with Law No. 35 of 2014 on Child Protection.

The purpose of this study is to determine the nature and extent of protection provided to students who engage in street vending during the Covid-19 pandemic, as stipulated by Law No. 13 of 2003 on Manpower. Additionally, it seeks to identify the rights granted to students engaged in street vending, in accordance with Law No. 35 of 2014 on child protection.

The findings of this study are expected to serve as a reference for schools when formulating policies for the implementation of street vending activities during the Covid-19 pandemic. It is crucial that student safety and security remain a top priority, and that alternative activities such as project work are considered as safer options amidst the ongoing Covid-19 pandemic. This will ensure that the rights of students in Vocational High Schools are not overlooked.

Method

This study uses a qualitative descriptive method that describes the object of research transparently based on the data and facts collected by the researcher. In general, descriptive research is more intended to measure certain social phenomena that aim to make systematic descriptions, facts, and relationships between phenomena. The authors consider using this type of method because this research is full of interpretive data analysis following qualitative research methods.

The location of this research was South Tangerang City, selected based on research objectives and problems, and also served as a data source for the study, in accordance with the approach advocated by Creswell & Poth (2018). The research involved students from different vocational high school majors in South Tangerang City who were undergoing Fieldwork Practice, a program that requires students to engage in street vending activities or internships in various institutions. The researchers accompanied and provided guidance to the students during their fieldwork practice at the selected institutions.

The research was conducted over a period of four months, from January 2021 to April 2021, and involved a total of 120 students. The qualitative approach was employed, utilizing a case study research design to directly observe and gather data from the field. Data was collected through interviews, observations, and documentation. The study’s participants included students, fieldwork practice supervisor teachers, and fieldwork practice supervisors at the companies/institutions where the fieldwork practice was conducted. To ensure data validity, method triangulation and source triangulation were employed after data validation by the researchers.

After collecting data, the researchers conducted data reduction, data presentation, and data verification. The credibility of the data was ensured through a credibility test involving technical triangulation, source triangulation, and thorough checking. Following data analysis, the authors interpreted the results and drew conclusions based on the data obtained from the field, which were then presented in a meaningful manner. The data was analyzed to derive accurate and relevant findings.

Results and Discussion

The obligation for students in vocational high schools to engage in street vending activities is designed to enable them to develop their abilities and talents, and to become skilled and competent resources prepared for the workforce. The pedagogical approach involves
integrating theory with practical business education, fostering strong linkages between schools and industry (Donovan et al., 2010).

Despite the ongoing Covid-19 pandemic, particularly in South Tangerang City where the number of cases is increasing daily and the area is categorized as a red zone, the schools still require students to engage in street vending activities. This poses significant risks, as these activities are conducted outside the students’ homes, involving face-to-face interactions, and taking place in institutions or companies where they carry out their fieldwork practice.

At the vocational level of education, graduates are required to possess proficiency in both theory and practice, as well as confidence and mental preparedness for their entry into the workforce. Education plays a pivotal role in producing skilled workers and is considered a key social activity to keep up with the pace of social and technological developments. In terms of the impact of education, the Indonesian population is largely classified as job seekers (labor force), rather than being a workforce with specialized skills capable of creating jobs or functioning as employees. Education is aimed at shaping individuals who are responsive to their environment and adaptable to change, while also fostering the development of their potentials as active learners. Therefore, education has a crucial role in ensuring human survival, and efforts must be made to enhance the quality of graduates in order to achieve broader educational goals.

Education is seen as a fundamental necessity for individuals seeking progress, particularly in a country like Indonesia with a vast geographical area. The quality of education is determined by the effectiveness of the teaching and learning process, which results in the production of high-quality outcomes. In this context, educational efficiency refers to the attainment of maximum results in the educational process while minimizing costs. From a broader perspective, efficiency is closely related to professionalism in educational management, encompassing discipline, loyalty, expertise, and work ethic.

Preparing students in vocational high schools to become professional graduates is indeed a challenge in the world of education. These schools have a more restricted curriculum, which is focused on specific disciplines, and students are highly focused on preparing for their careers. However, it is essential to introduce students to research processes and protocols, which can help them to develop high-level research skills (Levinson & Mandel, 2013). Moreover, it is crucial to provide students with a well-rounded education that includes courses beyond those directly oriented toward their career. By doing so, students can become more broadly engaged by ideas and develop a more comprehensive understanding of the world around them. With the right approach, vocational high schools can prepare students to become professional graduates who are ready to succeed in their chosen careers. The provided search results do not directly answer the question of whether vocational high schools can prepare students to become professional graduates who are ready to succeed in their chosen careers. However, the search results do provide information on various studies and research conducted on vocational high schools. Some of the studies include the implementation of work-based learning through fieldwork practices (Hanindya et al., 2021), the use of interactive multimedia to educate students about COVID-19 (Dongoran et al., 2022), and the importance of updating learning media for history teachers in vocational high schools (Khuriyah et al., 2020). These studies suggest that vocational high schools can provide students with practical skills and knowledge that can prepare them for their chosen careers.

Fieldwork Practice is a mandatory activity for students in vocational high school as part of the Dual System Education (PSG) program. Street vendors are included in the vocational learning curriculum, with the aim of providing students with practical experience and knowledge development to prepare them for the workforce upon graduation from vocational school. Through street vendors’ activities, students gain insight into the real world of work and become familiar with its demands.
Legal protection for vocational school students undertaking practical work experience during the pandemic

If it connected between the obligations of students at the vocational high school level to carry out fieldwork practices with Article 69 paragraph 2 of Law No. 13 of 2003 on Employment, students who are carrying out fieldwork practices should get their rights as workers in the form of wages, protection, and guarantees. health, and the existence of a clear working relationship. Furthermore, in Article 70 paragraph 1 to paragraph 3: (1) Children can do work in the workplace which is part of the education or training curriculum ratified by the competent authority. (2) The child as referred to in paragraph (1) is at least 14 (fourteen) years old. (3) The work as referred to in paragraph (1) may be carried out with the following conditions: a. given clear instructions on how to carry out the work as well as guidance and supervision in carrying out the work; and b. provided with occupational safety and health protection. With the rules in this law, it can be concluded that students can do work practices because of the need to develop their professional abilities as students from vocational high schools. So companies are not prohibited from employing students even though they are still categorized as children because of the demands of education. This is explained in Article 9 paragraph (1) of the Law of the Republic of Indonesia No. 35 of 2014, concerning Child Protection: “Every child has the right to receive education and teaching in the context of personal development and intelligence level according to interests and talents”.

Furthermore, in Article 3 paragraph (1) KEP-MEN Employment and Transmigration No. KEP.115/MEN/VII/2005 on Protection for Children Who Do Work to Develop Talents and Interests state that: “Involving children in work to develop talents and interests must pay attention to the best interests of children”. If you look at these regulations, then, the placement of students while carrying out street vendors must be placed in the majors they choose, this is to train students to implement the knowledge they have gained during school so that they are more confident and ready to undergo street vendors so that later they will get used to it. with a job following the choice of study.

Even though their status when carrying out these street vendors is as students, legal protection is given, this is because the inherent rights of students as Indonesian citizens should not be harmed, and such protection is provided so that they can enjoy all the rights granted by them. law. When carrying out fieldwork practice activities, employers are prohibited from placing them in types of work that endanger the health and safety of children. The types of work that are considered dangerous to the health and safety of children are described in the attachment to the Decree of the Minister of Manpower and Transmigration of the Republic of Indonesia No. KEP_235/MEN/2003.

Child labor protection is a phenomenon resulting from the interaction between community members on the one hand, as well as with other elements involved in labor relations. These elements are interconnected or interact and interconnect and work together in a mutualistic symbiosis, influencing each other and being influenced by child labor protection activities will be delayed, and consequently, national order, security, and development will be disrupted without good cooperation and coordination between the parties concerned. , please note that the obstacles are caused by the absence of satisfactory cooperation between agencies, government, and private organizations (Maemunah & Hamzah, 2016). One of the principles used in child protection is that children are the main capital for the survival of humans, the nation and the family, for that their rights must be protected. Children cannot protect their rights, many parties influence their lives. The state and society have an interest in protecting children’s rights. For child protection to be carried out properly, the principle that states that the best interests of children must be seen as of paramount importance (getting the highest priority) in every decision concerning children. Without this principle, the struggle to protect children will experience many stumbling blocks. The principle of the best interest of the child is used because in many cases children are victims, due to their ignorance, because of their developmental age. If this principle is ignored, society will create even worse monsters in the future (Prajnaparamita, 2018).

In general, students who engage in fieldwork practices express satisfaction with the values and experiences they gain from street vending. These values are reported to the school
as part of their requirements for grade promotion and graduation, as well as for their own knowledge. However, these students are often unaware of their rights during fieldwork practices due to the absence of a written agreement. As a result, they are unable to demand anything from the company beyond work experience and values.

In the absence of a formal work contract and an agreement outlining their rights as workers during fieldwork practices, it is crucial for the school to provide intensive guidance through the fieldwork practice supervisor. This supervision should ensure regular monitoring of the practical activities and also involve guidance and training from adults at the company to prevent undesirable situations.

During the research conducted, Indonesia was still grappling with the Covid-19 pandemic. Despite this, fieldwork practices were still carried out by students with strict adherence to health protocols to minimize the spread of the virus. One of the prerequisites for students to engage in practical work was to undergo an antigen swab test and present negative results to the school. Only then were students allowed and recommended to proceed with their street vending activities and present themselves to the company. In cases where students tested positive for the Covid-19 virus, the school would postpone their fieldwork practices until they were declared cured.

As for company policy, according to the results of interviews with researchers with several companies, if during the work practice the student has a work accident or is exposed to the Covid-19 virus, then the student will be given the right to rest (self-isolation) at home or in the hospital for 2 (two) weeks or until they are declared cured, then they can resume their activities again. As for the cost of treatment and healing, according to the policies of each company, the parent/guardian cannot sue the company. This is following the initial agreement between parents/guardians and the school, that students and parents/guardians will not sue the school or the company if students who are carrying out street vendors experience work accidents or are exposed to the Covid-19 virus. Although there is no direct contractual agreement between the company and students who carry out street vendors, in terms of occupational safety and health, all parties involved must be equally responsible. In terms of the company’s responsibility to these students, the efforts made so that their work safety is protected are always providing supervision and providing clear instructions on how to carry out work within the company following applicable standards in the company. If this job requires them to use personal protection, the company is obliged to provide it.

Apart from the company which has to supervise as long as these students carry out street vendors, routine supervision and guidance from the school regarding work safety for students are also necessary, because considering their age and experience, it is feared that unwanted things will happen. happened to these students, especially concerns about work accidents and being exposed to the Covid-19 virus. Likewise, the role of parents/guardians is necessary, because, considering the vulnerability of safety and health outside the home environment, parents/guardians of students must frequently monitor and remind them to always maintain cleanliness, and health, and provide nutritious food intake. and vitamins needed, and continue to follow strict health protocols while carrying out street vendors.

The rights of students while carrying out fieldwork practices are reviewed from Law no. 35 of 2014 on Child Protection

The right of children to obtain an education is also regulated in Article 9 paragraph (1) of Law no. 35 of 2014 on Child Protection which reads: “Every child has the right to receive education and teaching in the context of personal development and intelligence level according to interests and talents”. To fulfill this right to education, it is also regulated in paragraph 3 of Article 31 of the 1945 Constitution which states that: the government seeks and organizes a National Education System that increases faith and piety, and noble character in the context of
Legal protection for vocational school students undertaking practical work experience during the pandemic

Educating the nation’s life which is regulated by the Law on the National Education System. This confirms that the government is obliged and responsible for providing education for all levels of society without exception. The legal basis for implementing industrial work practices is law no. 20 of 2003 concerning the national education system. Where the law requires schools or places of learning to prepare their students to be ready to be placed anywhere according to the needs of their environment. (Sumitro & Taufiq, 2019). From the two rules above, the opportunity for students at the vocational level to develop their talents and interests following the majors they choose is wide open, they are allowed to experience hands-on work practices in the real world at companies or institutions and be guided by practitioners in the field following the majors taken by students.

The purpose of street vendors is to provide students with real-world experience in the industry, helping them understand industry practices and compare them with what they learn in school. Fieldwork practice, also known as industrial work practice in vocational schools (SMK), offers students the opportunity to gain practical experience and develop mastery in cognitive, affective, and psychomotor skills (Siregar & Tambunan, 2017). Through real-world experiences in the industry, students can acquire competencies that are relevant to their vocational education.

The relevance of the experience gained in the business and industrial world is crucial in shaping the competencies of vocational students. The choice of industry for fieldwork practice plays a significant role in determining the relevance of the experience. Implementing street vendors as part of vocational education equips students with essential skills and knowledge for navigating the world of work, enhancing their creativity and abilities to compete in the job market upon graduation. Prior to participating in fieldwork practice, schools typically provide students with basic skills necessary for their work activities, allowing them to easily adapt to the work environment during their street vending activities.

In essence, children should not work because their time should be used for learning, playing, having fun, being in a peaceful atmosphere, and getting opportunities and facilities to achieve their goals following their physical, psychological, intellectual, and social development. In the work environment, it was found that the majority of children’s work environments are classified as inappropriate for children, and some of them are dangerous. The most common types of injuries are abrasions, soft tissue injuries, upper and lower extremities fractures, and amputations (Eshraghi Samani & Safaee, 2022; Udhayan & Shruthi, 2021). The most injured body parts are legs and feet (Pimenta et al., 2013). Workplace accidents tend to occur in the afternoon (Pimenta et al., 2013). Children and young people have more accidents, especially men, basically in games and the use and/or maintenance of vehicles, tools, and machines.

If classified by age, legally the age of students who carry out street vendors is still categorized as children because the average age of class XI students is still under 18 (eighteen) years, so when going to carry out street vendors they must obtain written permission from their parents/guardians. Permission from parents/guardians is usually accommodated by the school before this work practice is carried out. In terms of age, which are still classified as children, according to article 69 paragraph (2) letter b, when a child wants to work, the company must make a work agreement with parents/guardians, because legally children under the age of 18 are not legal to work. enter into a legal agreement. From the observations of researchers, work agreements between students and companies are mostly not carried out directly by parents, but based on recommendations from the school in the form of a letter of application, even though if it refers to Article 69 paragraph (2) letter b of Law No. 13 of 2003, this agreement This is done by the parent/guardian with the company, so the agreement between the parent/guardian is usually represented by the school.

Legal protection for child labor in the Employment Law is related to the legal protection of wages and the welfare of child workers as stated in the provisions of Article 68 to Article 75. Law no. 39 of 1999 concerning Human Rights in Article 64 and Article 65 has explained the protection measures that have been regulated by the government. Child Labor Protection is

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also contained in Law no. 4 of 1979 concerning child welfare, as explained in Article 1. In essence, children should not work because their time should be used to study, play, have fun, be in a peaceful atmosphere, and get opportunities and facilities to achieve their goals following their physical development, psychological, intellectual, and social.

In general, these students feel quite satisfied because of the experience they get while carrying out street vendors and get good grades from company leaders. For working hours, from the results of researcher interviews with several students, the working hours that are applied to child labor, when referring to Article 71 paragraph (2) letter b, are a maximum of 3 (hours) per day, but the reality on the ground, these students carry out activities Field work practices are following the working hours determined by the company, which is an average of 8 (eight) hours per day, although some companies provide a policy of working hours that are shorter than the working hours determined by the company.

Although there is no direct contractual agreement between the company and students who carry out street vendors, in terms of occupational safety and health, all parties involved must be equally responsible. In terms of the company's responsibility to these students, the efforts made so that their work safety is protected are always providing supervision and providing clear instructions on how to carry out work within the company following applicable standards in the company. If this job requires them to use personal protection, the company is obliged to provide it for them.

From the research findings, during the implementation of street vendors during this pandemic, several companies returned their students to school, even though the practice time had not yet run out, the company reasoned that the more epidemic this pandemic, they were worried about the safety of the students themselves, besides that the company was also operating in the non-essential sector that accepts PKL participants are limited in operating time, and only serves to take away purchases or cannot eat on the spot, and only serves online purchases, as well as those who are street vendors in hotels so that they also delay the implementation of street vendors. involving students, and this greatly affects students who carry out street vendors, so the school takes a policy for students who are returned to school to be given substitute assignments in the form of project work.

Conclusion

Despite the challenges posed by the COVID-19 pandemic, students at the vocational high school level remain enthusiastic about engaging in street vending activities, which allows them to apply their theoretical knowledge to practical situations. Street vending serves as an opportunity for students to develop their work ethic, abilities, skills, dexterity, knowledge, insight, and professionalism in a real-world work setting, while also adhering to company rules and standards. It is important to ensure the safety of students during street vending activities, and this responsibility lies with both the institutions/companies and the school, supervising teachers, and parents/guardians of the students. Strict adherence to health protocols is crucial, and periodic evaluations are carried out to monitor students' development and abilities during practical work. Parents/guardians are encouraged to provide support to their children and ensure their well-being, including maintaining their stamina and avoiding undesirable situations. Despite the ongoing Covid-19 pandemic, street vending activities continue, and precautions are taken to protect students' health and safety.

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Amelia Haryanti, Bambang Santoso, Dindin


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