

The Effectiveness of The Implementation of Legal Protection for Vocational High School Students Who Have Had Work Accidents in The Field Work Practice: A Case Study at The Alantara Sanur

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ABSTRACT

Field Work Practice (Praktik Kerja Lapangan/PKL) is an essential component of the Vocational High School (SMK) curriculum intended to equip students with genuine workplace experience, yet its implementation within the hospitality industry carries a real risk of occupational accidents that may harm students who hold the dual status of learners and apprentices. This study aims to identify and analyze the effectiveness of legal protection for SMK students who experienced occupational accidents during PKL at The Alantara Sanur, and to identify the supporting and inhibiting factors affecting that effectiveness. The study employs an empirical juridical method with a descriptive character, using the fact approach, statute approach, and conceptual approach. Data were collected through document study, interviews, and field observation. The findings indicate that the implementation of legal protection for PKL students at The Alantara Sanur has not been fully effective. Based on Soerjono Soekanto's five factors of legal effectiveness, a gap between *das sollen* and *das sein* was found across all dimensions, including normative gaps in regulation (Law No. 1 of 1970, Law No. 13 of 2003, and Ministerial Regulation No. 50 of 2020) that fail to explicitly provide social security for PKL students, weak supervision by schools and industry, unstructured occupational safety training, low legal awareness among students and hotel staff, and a speed-oriented work culture. The inhibiting factors are multilevel and mutually reinforcing, while the supporting factors are an existing normative framework, an improvable SOP and MoU, and industry good faith may serve as a foundation for reform. This study recommends regulatory refinement accompanied by a tripartite supervisory mechanism among schools, industry, and government, as well as the strengthening of structured occupational safety training for PKL students.

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1. INTRODUCTION

Field Work Practice (PKL) is one of the important components in the Vocational High School (SMK) curriculum which functions as a bridge between the theory acquired in school and its application in the real world of work, as well as a means of early introduction for students to work culture, professional norms, and the governance of industrial organizations [1], [2]. As an integral part of the vocational school curriculum, street vendors are systematically regulated in line with Law Number 20 of 2003 concerning the National Education System which emphasizes the need to develop the quality of vocational education so that vocational school graduates have high competitiveness [3].

The tourism and hospitality industry in Bali is a strategic sector that absorbs a large number of workers, including vocational school students who undergo street vendors, so the high level of operational activities also has implications for the increased risk of work accidents that must be seriously anticipated [4]. Activities involving kitchen utensils, operational vehicles, interaction with guests, and chemical management provide a real risk of accidents, especially street vendor students who are still in the learning stage tend to have limited experience and understanding of safety procedures [5]. This condition is aggravated by the lack of K3 debriefing before students enter the world of work and weak supervision from schools and industry [6].

The complexity of this problem is further increased by the dual legal status of street vendor students as students as well as workers, which causes confusion in the application of legal protection regulations so that many accident cases are not handled optimally [7]. Data from the Ministry of Education and Culture shows an increase in the number of vocational school students participating in the street vendor program, with more than one million students every year, thus automatically increasing the risk of potential work accidents that must be anticipated legally and regulations. Many street vendor students do not understand their rights related to work safety protection

and social security, while industry and educational institutions often lack strict supervision of the implementation of K3 standards [8], so existing regulations have not been able to guarantee comprehensive protection for street vendor students during their practice.

There are a number of legal bases that are the basis for the protection of street vendor students, namely Law Number 1 of 1970 concerning Occupational Safety which regulates the K3 system to protect the workforce, including practical students, from the risk of accidents; Law Number 13 of 2003 concerning Manpower which regulates the rights and obligations of workers, including interns and Regulation of the Minister of Education and Culture Number 50 of 2020 concerning Field Work Practices for Students. This provision is emphasized by Permendikbud Number 23 of 2016 concerning Educational Assessment Standards which emphasizes that K3 is one of the mandatory competencies of vocational school graduates. In the context of the research location, the Cooperation Agreement between SMK Negeri 3 Denpasar and The Alantara Sanur is also the primary legal material that binds the implementation of street vendors between the two parties. Nevertheless, the implementation of K3 standards in the field still faces various challenges ranging from lack of understanding to inconsistent implementation [9], [10].

The gap between written legal rules (*das sollen*) and their actual implementation in practice (*das sein*) is a phenomenon frequently encountered in various fields of law, including legal protection for students on work-study programs, and this has a direct impact on the well-being and safety of legal subjects in the field [11]. Soerjono Soekanto's Theory of Legal Effectiveness explains that a legal rule cannot be considered successful if it exists only on paper without being effectively enforced in society; thus, the enforcement of the law by law enforcement officials, supporting infrastructure, and societal culture collectively determine the law's actual effectiveness [12]. In the context of this study, this gap is evident in the existence of OSH

SOPs, whose implementation in the field varies and lacks consistency, thereby posing a risk of accidents for students on work-based learning placements [13]. Furthermore, the law functions as a tool of social engineering to dynamically balance individual and public interests [14]; thus, the gap between regulations and reality indicates the need for reform in both the substantive and procedural aspects of the law to make it more responsive to on-the-ground conditions.

The Alantara Sanur, a four-star hotel in the Sanur area of Denpasar, was selected as the case study site because it represents the tourism industry—which regularly hosts vocational training programs—and has occupational safety and health (OSH) standard operating procedures (SOPs) as well as memorandums of understanding (MoUs) with various partner vocational high schools, thereby providing a wealth of empirical data for analysis [15]. Based on this description, this study formulates two research questions: (1) how effective is the implementation of legal protection for vocational high school students who experience workplace accidents during their internships at The Alantara Sanur; and (2) what are the supporting and inhibiting factors that influence the effectiveness of this legal protection. In line with these research questions, this study aims to identify and analyze the effectiveness of the implementation of legal protection regarding workplace accidents for vocational high school students at The Alantara Sanur, as well as to identify and analyze the supporting and hindering factors that influence it, in order to generate concrete recommendations for improving the Occupational Safety and Health (OSH) Standard Operating Procedures (SOPs), the protection clauses in the PKL Memorandum of Understanding (MoU), and government policies in the fields of labor and vocational education.

2. RESEARCH METHODS

This research is qualified as empirical juridical research, namely legal research on the enactment or implementation of normative legal provisions in action on

certain legal events that occur in society, which starts from the gap between *das sollen* (law in book) and *das sein* (law in action) [16]. This research is descriptive, which aims to accurately describe the characteristics of a certain individual, situation, symptoms, or group based on qualitative and quantitative data [17].

The approach used in this study includes a fact approach that focuses on collecting and analyzing empirical data in the form of real conditions for the implementation of legal protection in the field; a statute approach that examines formal legal norms as a basis and reference for the implementation of legal protection for street vendor students; as well as conceptual approaches used to examine legal concepts contained in various primary legal instruments and other relevant sources [16].

The data in this study was collected through three main techniques, namely document studies on laws and regulations, K3 SOPs, MoU street vendors, and Work Accident Insurance (JKK) claim files to BPJS Ketenagakerjaan; in-depth interviews with four groups of resource persons, namely street vendor students, supervisors from partner schools, management/Human Resources Development (HRD) of The Alantara Sanur, as well as department heads or hotel staff who interact directly with street vendor students; and field observation on the implementation of K3 standards in each hotel operational department [18], [19]. The collected data was analyzed qualitatively by examining the suitability between normative provisions and empirical data based on five factors of legal effectiveness of Soerjono Soekanto, namely legal substance, law enforcement, facilities and infrastructure, public awareness, and legal culture.

3. RESULTS AND DISCUSSION

This section presents the results of the research and the discussion of the two formulations of research problems. The analysis was carried out in an empirical juridical manner by combining normative studies of the applicable laws and regulations

with primary data obtained through in-depth interviews with four groups of resource persons [2]. The interview data was processed and analyzed using two main theoretical foundations, namely the Roscoe Pound Legal Protection Theory and the Soerjono Soekanto Legal Effectiveness Theory, where through five factors of Soekanto's legal effectiveness that are; legal substance, law enforcement, facilities and infrastructure, society, and legal culture, the empirical data obtained in the field were tested for conformity with the normative provisions that should apply. in order to produce a comprehensive assessment of the effectiveness of the legal protection [4].

3.1 Empirical Profile of Street Vendor Student Work Accident Cases at The Alantara Sanur

The Alantara Sanur is a four-star hotel located in the Sanur area, Denpasar City, with a number of main operational departments, including Food & Beverage Service, Food & Beverage Product (Kitchen), Housekeeping, Front Office, Engineering, and Security. Based on HRD data, this hotel accepts an average of 15 to 25 street vendor students every period from several partner vocational schools in Bali. Normatively, The Alantara Sanur already has a documented K3 SOP as well as an MoU with partner schools. However, the results of the document study on the claim file of the Work Accident Insurance (JKK) to BPJS Ketenagakerjaan Bali-Denpasar Branch for the 2024–2026 period revealed a number of cases of work accidents in street vendor students, in the form of slicing injuries due to kitchen utensils in the kitchen, slipping in wet areas in Housekeeping, and burns due to contact with hot surfaces in Food & Beverage Products.

Of the five documented cases, three students have been registered as BPJS Employment participants at the time of the accident so that the handling can follow the formal mechanism of Work Accident Insurance as stipulated in Government Regulation Number 44 of 2015, while the other two students have not been registered because the accident occurred at the beginning of the street vendor period, before

the membership registration process was completed by the hotel. One of the participants even had two work accidents in less than four months, with the second accident resulting in death — a finding that the fulfillment of the right to compensation and treatment after the first accident did not necessarily prevent the risk of relapse, so the preventive goals of occupational safety norms had not been realized. This concrete case profile becomes the factual context for the analysis of five factors of legal effectiveness in the following section.

3.2 Conformity of Legal Substance with the Condition of Street Vendor Students

The substance of the law is the first and most fundamental element in determining the effectiveness of a rule of law. The main regulations that are the normative basis for the protection of street vendor students include Law No. 1 of 1970 concerning Occupational Safety (Article 3) which requires every workplace, including hotels, to meet occupational safety requirements for all workers (Law No. 1/1970, Article 2); Law Number 13 of 2003 concerning Manpower (Articles 86–87) which requires employers to implement a K3 management system consistently, including for apprenticeship participants; and Regulation of the Minister of Education and Culture Number 50 of 2020 concerning Field Work Practices for Students (Articles 7–9) which specifically regulates the mechanism and protection of the implementation of street vendors.

A study of the substance of the regulation revealed a significant legal loophole, especially related to the dual legal status of street vendor students as students as well as interns. When a street vendor student has a work accident, the fundamental question is whether he or she is protected by the regime labor law or the education law regime has not been explicitly answered by existing regulations [20]. This condition was confirmed by the General Manager of The Alantara Sanur in an interview on January 14, 2026: "We actually always try to provide the

best treatment if there are street vendor students who are injured... But if asked what the legal basis is, we are a bit confused as well. Whether the street vendor students are included in the category of labor that can be covered by BPJS Ketenagakerjaan or not, we have never received clear certainty.\" A similar condition was confirmed by the PKL supervisor of the partner vocational school, who stated that the school also had no certainty regarding the compensation mechanism for students who experienced accidents.

This statement reflects a condition that [21] calls a "protection vacuum", which is a situation when actors in the field are aware of the existence of protection obligations but do not have a clear legal mechanism as a reference. In fact, Law Number 40 of 2004 concerning the National Social Security System (Article 29) has mandated that everyone who works, including in an internship employment relationship, is entitled to work accident insurance, which is emphasized by Government Regulation Number 44 of 2015 (Article 6) concerning Work Accident Insurance. However, in practice, this coverage of protection has not been consistently expanded to accommodate street vendor participants. Permendikbud No. 50/2020 is actually a step forward because it regulates street vendors as a separate program, but the provisions regulate more technical-administrative aspects and have not comprehensively regulated the compensation mechanism and social security in the event of a work accident. This normative gap is the first structural obstacle in the effectiveness of legal protection for street vendor students at The Alantara Sanur [22].

3.3 The Role of Law Enforcement: Schools and Industry as Key Actors

The second factor in Soekanto's theory of legal effectiveness is the *law enforcement factor*, which in the context of street vendors in The Alantara Sanur is not carried out by formal law enforcement officials, but by two institutional actors: the school as the sending institution and The

Alantara Sanur as the receiving industry [15]. The hotel management claims to have carried out its normative obligations by providing complete K3 SOPs and safety briefings for every street vendor student who enters. However, the operational perspective shows a gap: the Head Kitchen Department states that at a time when the hotel is busy, supervision of street vendor students' compliance with procedures, including penggunaan alat pelindung diri (PPE), often cannot be implemented consistently due to the pressure of work speed.

The gap between formal policy and operational reality is in line with [20] finding that consistency of supervision at the operational level is an important key to effective legal protection in the field — good SOPs on paper will not result in real protection without consistent and accountable supervision. From the school side, the supervision function by the supervisor also shows similar weaknesses. PKL supervisors admit that one teacher can be responsible for monitoring eight to ten students spread across different locations, so that direct supervision that should ideally be carried out periodically becomes difficult to realize and relies more on student self-reports.

This condition is exacerbated by the almost no supervision from local government employment agencies on the implementation of K3 for street vendor students in particular, even though the supervisory authority has been regulated in Law No. 1 of 1970 (Article 3) and emphasized by the Regulation of the Minister of Manpower Number 5 of 1996 (Article 4). The absence of effective external supervision mechanisms is one of the main reasons why legal norms fail to be realized in the real behavior of their subjects [23], so that the fulfillment of K3 obligations by the industry becomes voluntary and unreliable as a consistent protection instrument.

3.4 Availability of Facilities and Infrastructure and Legal Awareness of the Parties

The third factor, facilities and infrastructure, refers to the availability of supporting facilities such as personal

protective equipment, occupational safety training, and adequate operational procedures. Although K3 facilities are generally available to regular employees, they are not specifically designed to meet the protection needs of street vendor students. K3 debriefing for street vendor students is short and unstructured, the distribution of PPE is uneven, and there is no integrated communication protocol between hotels and schools in handling accidents, as mandated by Government Regulation Number 50 of 2012 concerning the Implementation of K3 Management Systems (Article 5 paragraph 1).

The fourth factor, community legal awareness, shows that both street vendor students and hotel operational staff do not have an adequate understanding of legal rights and obligations in the context of K3, so the handling of accidents is entirely dependent on individual initiative and good faith, not on a standardized and accountable system [14]. The level of understanding of students and the industry towards legal rights and obligations is a fundamental aspect that affects the effectiveness of protection [24].

3.5 Work Culture and Acceptance of K3 Standards

The fifth factor, legal culture, illustrates that the work culture in the hospitality industry which is very oriented towards speed and operational efficiency also affects the level of compliance with K3 standards, where street vendor students as the most vulnerable and structurally powerless parties are the most affected by these conditions. This work culture is not just an individual habit, but an institutional value that is embedded in the hotel's operational system and helps shape the behavior of all personnel, including street vendor students. The inherent power imbalance between street vendor students and industry puts students in a weak bargaining position, creating psychological barriers for students to claim rights, report unsafe conditions, or refuse work that exceeds their safety limits. A street vendor student in the Front Office Department revealed that he did not dare to refuse a risky assignment for fear of being

judged badly by his supervisor, reflecting the gap between formally guaranteed rights and those that are truly accessible in reality [25], [26].

3.6 Synthesis of the Effectiveness of Legal Protection: Between Das Sollen and Das Sein

From das sollen's perspective, the available normative framework is actually quite comprehensive: Law No. 1 of 1970 requires the availability of a safe work environment, Law No. 13 of 2003 regulates the right to protection and compensation for workers including interns, Permendikbud No. 50 of 2020 provides a special basis for the implementation of safe street vendors, Government Regulation No. 50 of 2012 requires the implementation of SMK3, and Government Regulation No. 44 of 2015 regulates work accident insurance. The K3 SOP and MoU owned by The Alantara Sanur normatively affirm the institutional commitment to the protection of street vendor students.

However, from the perspective of das sein, interview data from the four groups of interviewees consistently reveal a wide gap between norms and practices in all dimensions: the substance of the regulation contains a crucial normative gap in the form of the absence of a strict social security mechanism for street vendor students as the subject of self-protection; the law enforcement function by schools and industry has not been optimal due to limited supervision capacity; K3 Facilities and Infrastructure has not been specifically designed for the needs of street vendor students; the legal awareness of the parties is still low; and speed-oriented work culture weakens the implementation of K3 standards. All of these findings, when contextualized in Roscoe Pound's Legal Protection Theory, indicate that the law has not succeeded in carrying out its function as a real balancing act between individual interests and public interests [27].

Thus, it can be concluded that the implementation of legal protection for vocational school students who have had work accidents during street vendors at The

Alantara Sanur has shown the real intention and efforts of various parties, but overall it has not been fully effective and still needs further strengthening in all dimensions of regulatory substance, law enforcement, facilities, legal awareness, and work culture [24].

3.7 Factors Inhibiting the Effectiveness of Legal Protection

Based on field data, six inhibiting factors were identified that consistently affect the effectiveness of the implementation of legal protection for street vendor students at The Alantara Sanur. First, the ambiguity and normative void in applicable regulations ranging from Law No. 13 of 2003 (Article 87 paragraph 1) to Government Regulation No. 50 of 2012 (Article 5 paragraph 1) and Permendikbud No. 50 of 2020 (Articles 7–9) — do not expressly regulate the social security mechanism for street vendor students as independent subjects and are different from regular workers, creating a "normative gray zone" where implementers on the ground do not have clear legal guidance.

Second, the weak supervision mechanism by schools and the government. The Manpower Office, which is supposed to have supervisory authority under Law No. 1 of 1970 (Article 3), does not routinely conduct K3 inspections of street vendor students in tourism hotels, while supervisors bear the burden of monitoring disproportionately to the available capacity. Third, the imbalance in power relations between street vendor students and the industry prevents students from claiming rights, reporting unsafe conditions, or refusing work that exceeds their safety limits, as reflected in the confession of a street vendor student in the Food & Beverage Product Department who was reluctant to ask for compensation rights because he felt bad about the hotel that had paid for his treatment.

Fourth, the low understanding of all parties about the social security mechanism for street vendor students, so that the right to Work Accident Insurance as stipulated in Law No. 40 of 2004 (Article 29) and Government Regulation No. 44 of 2015 (Article 6) has never

been systematically activated in practice with conditions that [13] refers to as "layered vulnerability". Fifth, a work culture that is oriented towards operational speed and efficiency structurally places compliance with K3 standards as a secondary priority. Sixth, the K3 protection clause in the PKL Cooperation Agreement (MoU) between The Alantara Sanur and partner schools is not complete, so that the existing cooperative relationship is not fully legally binding in terms of student work safety.

3.8 Factors Supporting the Effectiveness of Legal Protection

In addition to inhibiting factors, this study also found six supporting factors that can be the foundation for improving the legal protection system for street vendor students. First, the availability of relatively complete normative infrastructure, namely: Law No. 1/1970, Law No. 13/2003, Government Regulation No. 50/2012, and Permendikbud No. 50/2020, forms a normative foundation that is comprehensive enough to be further developed, so that stakeholders only need to improve and fill in existing regulatory gaps, not start from scratch. Second, the existence of the K3 SOP and the MoU of street vendors that The Alantara Sanur already has shows institutional awareness of the importance of formal arrangements, as conveyed directly by the General Manager of the hotel who stated the need for more specific guidance from the government to treat street vendor students differently from regular employees in the context of K3.

Third, the commitment and good faith of the industry in handling accidents informally such as taking students to clinics, bearing initial medical expenses, and providing rest time is an important social capital that can be transformed into standardized institutional obligations [11], [23]. Fourth, increasing awareness of street vendor students about the importance of work safety from direct experience, even though this awareness should ideally be formed before the accident occurs, is a

valuable capital for a more effective K3 debriefing program in the future.

Fifth, the availability of in-house health facilities in the form of clinics and medical personnel allows the provision of responsive first aid, as confirmed from all accident cases documented in this study that received the first treatment in a relatively short time even though it has not been integrated with comprehensive reporting and follow-up procedures [19]. Sixth, the potential for tripartite partnerships between schools, industry, and the government, both the Education Office, the Manpower Office, and BPJS Ketenagakerjaan is a strategic opportunity that has not been fully utilized to strengthen the bipartite partnership that has only existed between schools and industry through the PKL MoU.

3.9 Implications of Inhibiting and Supporting Factors for Strengthening Legal Protection

The analysis of these inhibiting and supporting factors not only provides an empirical explanation of why the effectiveness of legal protection for street vendor students at The Alantara Sanur is still not optimal, but also offers an analytical basis for systematic, structured, and real-world improvement efforts by stakeholders. Inhibiting factors that are multilevel and mutually reinforce, ranging from regulatory vacancies, weak supervision, imbalance in power relations, to work culture that is not in line with K3 standards that require simultaneous intervention at the regulatory, institutional, and cultural levels, not a partial solution in one dimension.

On the other hand, the supporting factors that have been identified indicate that the necessary improvements do not mean building a legal protection system from scratch, but rather refining and adapting the normative and institutional foundations that are already in place to be more responsive to the specific needs of street vendor students as a vulnerable group. Effective legal protection for street vendor students is not only a matter of regulatory compliance, but a long-term investment in the formation of quality,

competitive, and protected Indonesian human resources as human beings and citizens.

4. CONCLUSION

Based on the results of the research and discussion, two main conclusions can be drawn as an answer to the formulation of the problem that has been determined. First, the implementation of legal protection for vocational school students who have had work accidents during street vendors at The Alantara Sanur has shown the real intention and efforts of various parties, but overall it has not been fully effective and still needs further strengthening. Based on the analysis of Soerjono Soekanto's five factors of legal effectiveness, it was found that the gap between *das sollen* and *das sein* occurs simultaneously in all dimensions: the substance of the law that contains crucial normative gaps, law enforcement by schools and industries that are not optimal, facilities and infrastructure that have not been specifically designed for street vendor students, the legal awareness of the community is still low, and the hotel industry's work culture is speed-oriented so that street vendor students as the most vulnerable parties are the most affected.

Second, there are inhibiting factors that are multilevel and mutually reinforcing including normative vacuums of regulations, weak supervisory mechanisms, imbalances in power relations, low understanding of social security mechanisms, speed-oriented work culture, and incomplete K3 protection clauses in the Street Vendor MoU as well as supporting factors that have the potential to be the foundation for improvement, namely the availability of a relatively complete normative framework, the existence of K3 SOPs and MoU that can be strengthened, the commitment of good faith from the industry, increased student awareness, the availability of in-house health facilities in hotels, and the potential for tripartite partnerships between schools, industry, and the government.

SUGGESTIONS

Departing from this conclusion, there are two suggestions that are expected to be constructive input for stakeholders. First, the government needs to immediately improve regulations and strengthen integrated supervision mechanisms to close normative gaps in the legal protection of street vendor students. The Ministry of Education, Culture, Research, and Technology together with the Ministry of Manpower need to immediately revise and improve Permendikbud No. 50 of 2020 to contain strict and comprehensive provisions regarding social security mechanisms, compensation rights, and procedures for reporting work accidents for street vendor students as independent protection subjects, accompanied by the determination of minimum standards of protection clauses that must be contained in every street vendor MoU. The government through the regional Manpower Office also needs to build a tripartite supervision mechanism involving schools, industry, and government agencies in an integrated manner, including the implementation of regular K3 inspections of street vendors that accept vocational school students.

Second, schools and industry need to build a structured K3 debriefing system and strengthen the culture of occupational safety as an integral part of the implementation of street vendors. Vocational High Schools as sending institutions need to design and implement a structured, intensive, and contextual Occupational Safety and Health debriefing program before students enter street vendor locations, including education on students' legal rights, accident reporting procedures, compensation mechanisms, and practical training in the use of personal protective equipment. PKL supervisors need to be supported by a proportionate increase in the mentoring ratio. On the industry side, The Alantara Sanur and other partner hotels need to revise the K3 SOP to include special procedures for street vendor students, including integrated communication protocols with schools and ensuring equal distribution of PPE for street vendor students without discrimination with regular employees. The synergy between schools and industry in building a safe, fair, and equitable street vendor ecosystem for students is a long-term investment in the formation of quality Indonesian human resources that are protected by their basic rights.

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