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The 8th Southeast Asia International Philanthropy Conference 2023 (SEAIPC2023)

**Future of Philanthropy and Sustainable Development:
Holistic Approach towards Innovative Fundraising
and Strategic Entrepreneurial Partnership
for Societal Well-Being**

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TABLE OF CONTENTS

No.	Paper ID	Paper Title	Pages
Scope: SOCIETAL WELLBEING			
1.	003-002	EMPLOYEE JOB PERFORMANCE IN HIGHER EDUCATION INSTITUTIONS AS AFFECTED BY ACADEMICIANS' ATTITUDES TOWARDS MOTIVATION, SELF-EFFICACY, AND QUALITIES DURING COVID-19 PANDEMIC	15
2.	011-003	ROLE OF TRUST TOWARDS CHARITY FOUNDATIONS IN THE RELATIONSHIP BETWEEN EMOTIONAL INTELLIGENCE AND PSYCHOLOGICAL WELL-BEING IN MOTHERS OF AUTISTIC CHILDREN	16
3.	013-004	MOTIVATION IN MULTIMODAL CLASSROOM LEARNING: AN EMPIRICAL STUDY OF BUSINESS ENGLISH LEARNERS IN CHINA	17
4.	002-008	TREND OF PERSON-ENVIRONMENT FIT STUDIES AND EMPLOYEES' WELLBEING: A BIBLIOMETRIC ANALYSIS	18
5.	025-009	ENHANCING HUMAN CAPITAL THROUGH HOLISTIC EDUCATION APPROACH: A MALAYSIAN PERSPECTIVE	19
6.	033-012	LEPROSY: ADDRESSING PHYSICAL, SOCIOPSYCHOLOGICAL, AND ECONOMIC IMPACTS THROUGH INTERSECTORAL COLLABORATION	20
7.	032-013	THE URGENCY OF THE QARDHUL HASAN FUND OF THE VILLAGE MOSQUE IN REDUCING POVERTY LEVEL IN ACEH	21
8.	012-016	EXPLORING THE ELDERLY'S PERSPECTIVES ON AGING IN PLACE: A CASE STUDY OF HEALTHCARE CHAPERONE SERVICES IN TERENGGANU, MALAYSIA	22
9.	045-022	BURNOUT BREAKDOWN: UNRAVELING INFLUENCES ON ACADEMIC PERFORMANCE IN MALAYSIAN PUBLIC UNIVERSITIES	23
10.	010-027	FINANCIAL WELL-BEING AMONG UNDERGRADUATES: A CONCEPTUAL FRAMEWORK	24



No.	Paper ID	Paper Title	Pages
11.	057-033	THE EFFECTS OF THE 2019 EUROPEAN COMMISSION'S GREEN TRANSITION ON TRANSPORTATION, HOUSING, AND FOOD FOR ORDINARY CITIZENS	25
12.	062-047	THE ROLE OF PSSCM IN NURTURING INTELLECTUAL, SPIRITUAL, AND MATERIAL VALUES: A STUDY ON MALAYSIA MADANI'S PRINCIPLE	26
13.	068-054	ESG CONTROVERSIES AND BANK RISK-TAKING AND VALUE: DOES ESG GOVERNANCE MATTER?	27
14.	067-055	KNOWLEDGE OF SEXUALLY TRANSMITTED DISEASES AND SEXUAL BEHAVIOURS AMONG GEN Z IN MALAYSIA	28
15.	070-058	SUSTAINABLE PROPERTY FINANCING FOR MALAYSIA MADANI	29
16.	071-060	CONSTRUCTION AND ASSESSMENT OF MAQASID AL-SHARI'AH - SOCIETY'S PERCEPTION INDEX (MS-SPI)	30
17.	078-064	FOSTERING SUSTAINABLE SERVICE FOR DISABLED COMMUNITIES THROUGH YOUTH VOLUNTEERISM: AN ANALYSIS OF KEY CHARACTERISTICS USING FUZZY DELPHI METHODOLOGY	31
18.	080-067	TAXONOMIC APPROACHES FOR PEOPLE WITH DISABILITIES (PWDS) PRE-ONTOLOGY CONSTRUCTION: SOCIAL ELEMENTS IN THE LIGHT OF RISAEEL NUR	32
19.	084-071	UNSHROUDING "FEELING GOOD" ABLEISM: DEMYTHOLOGIZING DISABILITY TOWARDS INCLUSIVE PHILANTHROPY	33
20.	084-072	SUSTAINABLE SOCIETY: THE INTER-RELATIONALITY OF AGEING, DISABILITY AND PHILANTHROPY IN TROUNCING CHALLENGES TOWARDS THE "5.0" FRAMEWORKS	34
21.	085-075	TEACHER'S CHARACTERISTIC IN INCLUSIVE EDUCATION: A SYSTEMATIC LITERATURE REVIEW	35
22.	086-076	ENHANCING SPIRITUAL INCLUSION: A SYSTEMATIC LITERATURE REVIEW ON THE INTERSECTION OF DISABILITIES AND WORSHIP PRACTICES AMONG PEOPLE WITH DISABILITIES	36
23.	007-077	A BIBLIOMETRIC REVIEW OF GLOBAL RESEARCH TRENDS IN SOCIAL WELL-BEING	37
24.	077-079	THE ROLE OF INFORMATION AND COMMUNICATION TECHNOLOGY ON HUMAN DEVELOPMENT: EVIDENCE FROM MALAYSIA	38
25.	091-083	A BIBLIOMETRIC REVIEW ON GREEN TRANSFORMATIONAL LEADERSHIP	39



No.	Paper ID	Paper Title	Pages
26.	092-084	FUZZY DELPHI METHOD APPLICATION IN DEVELOPING OF SYLLABUS QURANIC CLASS FOR ELDERLY	40
27.	097-089	EXAMINING CUSTOMER SATISFACTION ON IMPLEMENTATION OF CORPORATE SOCIAL RESPONSIBILITY ON MALAYSIAN ISLAMIC BANKING	41
28.	097-091	PROMOTING SUSTAINABLE DIETARY PATTERNS THROUGH FAST FOOD RESTAURANTS' CORPORATE SOCIAL RESPONSIBILITY (CSR)	42
29.	099-094	NEED ANALYSIS ON THE DEVELOPMENT OF TAHFIZ AL-QURAN LEARNING MODEL FOR STUDENTS WITH VISUALLY IMPAIRMENT	43
30.	106-103	IMPORTANCE-PERFORMANCE MAP ANALYSIS OF GREEN STRATEGY IMPLICATIONS WITHIN ISO 14001 MANUFACTURING COMPANIES	44
31.	108-105	THE INFLUENCE OF BOARD CHARACTERISTICS AND OWNERSHIP STRUCTURE ON INTEGRATED REPORTING: THE MODERATING ROLE OF FIRM SIZE	45
32.	025-108	MENTAL WELL-BEING OF SINGLE MOTHERS: A PRELIMINARY REVIEW ISSUES AND CHALLENGES ACCORDING TO ISLAM	46
33.	090-113	A MAQASID AL-SHARI'AH BASED COMPOSITE INDEX TO MEASURE ECONOMIC WELL-BEING IN MALAYSIA	47
34.	113-114	ARISING ISSUES DUE TO THE INCONSISTENCY BETWEEN THE PERTIS BRAILLE QURAN TEXT AND THE MUSHAF AL-MADINAH TEXT	48
35.	114-115	THE PSYCHOLOGICAL WELL-BEING PRACTICES FROM ISLAMIC PERSPECTIVE IN FAMILIES DURING THE COVID-19 PANDEMIC	49
36.	117-117	FACTORS INFLUENCE PRO-ENVIRONMENTAL BEHAVIOUR AT WORK: A CONCEPTUAL PAPER	50
37.	118-118	FOOD WASTE SEPARATION INTENTION: PERSPECTIVE OF UNIVERSITY STUDENTS USING S-O-R FRAMEWORK	51
38.	119-120	THE IMPACTS OF URBAN DESIGN ON COMMUNITY WELL-BEING WITH THE SMART CITY INTEGRATION	52
39.	067-122	SUSTAINING MENTAL HEALTH AMONG EDUCATORS BY UNDERSTANDING FACTORS OF STUDENTS' FAILURE	53
40.	129-134	MEASURING THE LEVEL OF SATISFACTION WITH THE SGI MASTER TEACHER TRAINING IN DONDO DISTRICT, TOLITOLI REGENCY USING THE SERVQUAL METHOD	54
41.	130-135	THE DINING CULTURE AND ITS WELL-BEING: A CASE STUDY OF THE INDIANS IN KLANG VALLEY, MALAYSIA	55



No.	Paper ID	Paper Title	Pages
42.	129-139	ACCELERATING TALENT DEVELOPMENT FOR THE NEXT LEADER: LESSON LEARNED FROM DOMPET DHUAFA	56
43.	135-144	THE NECESSITY FOR A GUIDELINE IN SELECTION OF MARRIAGE PARTNERS BASED ON THE CONCEPT OF COMPATIBILITY (KAFA'AH)	57
44.	038-149	DETERMINANTS OF MENTAL HEALTH AMONG ACADEMICIANS AT MALAYSIAN PUBLIC HIGHER EDUCATION INSTITUTIONS: A CONCEPTUAL PAPER	58
45.	142-153	CONNECTING DIVERSITY AND COMMUNITY SERVICE PROJECT: A SEMIOTIC ANALYSIS ON TYPOLOGY OF IMAGES USED IN SOCIAL MEDIA REPORTING	59
46.	146-155	ENSURING INCLUSIVITY AND WELL-BEING OF REFUGEE CHILDREN IN MALAYSIA THROUGH PHILANTHROPY	60
47.	150-162	RELATIONSHIP AMONG FINANCIAL LITERACY, ATTITUDE AND RETIREMENT PLANNING AWARENESS: A PLS-SEM APPROACH	61
48.	151-163	THE EFFECTS OF STEM-PBL MATHEMATICS MODULE ON SECONDARY VOCATIONAL STUDENTS' MATHEMATICAL PROBLEM-SOLVING SKILLS	62
49.	140-167	SUSTAINABLE EDUCATION DEVELOPMENT (ASSESS THE IMPACT OF SCHOOLING PROGRAMS)	63
50.	158-176	IMPACT OF ONLINE AND FACE-TO-FACE LEARNING MEDIUMS ON SATISFACTION AMONG ACCOUNTING STUDENTS IN KPTM BANGI	64
51.	154-178	THE KIDS DAILY FLIP PLANNER: A TOOL FOR MANAGING CHILDREN'S ACTIVITY	65
52.	159-180	ANALYSING THE INFLUENCE OF USABILITY ON USER SATISFACTION IN EDUCATIONAL BOARD GAME	66
53.	171-191	CHILD PROTECTION AND FAMILY-BASED CARE: ADDRESSING IMPLEMENTATION HURDLES IN FOSTER CARE AND ADOPTION IN MALAYSIA	67
54.	172-196	MEASURING THE DEVELOPMENT OF PERINTIS SCHOLARSHIP BENEFICIARIES BASED ON THE ZAKAT UTILIZATION INDEX (IPZ) AT RUMAH AMAL SALMAN	68
55.	171-197	FAMILY-BASED CARE THROUGH FOSTER CARE IN MALAYSIA: A POST-2016 CHILD ACT AMENDMENT ANALYSIS	69



No.	Paper ID	Paper Title	Pages
Scope: BUSINESS AND MANAGEMENT			
1.	015-005	MANAGERS' PERCEPTIONS ON STAKEHOLDERS AND ANNUAL REPORTS OF PHILANTHROPIC ORGANIZATIONS IN MALAYSIA	70
2.	039-018	"SORRY, I COULDN'T GIVE UP SHOPPING!" HOW LIVE STREAMING URGE CONSUMERS TOWARDS IMPULSIVE FAST FASHION PURCHASES	71
3.	042-020	THE ROLE OF CUSTOMER COMFORT IN SAUDI BANK SERVICES	72
4.	029-026	20 YEARS TREND IN OFFICE ENVIRONMENT: BIBLIOMETRIC ANALYSIS AND FUTURE RESEARCH AGENDA	73
5.	048-029	FEXES3.0: ENHANCING BUSINESS MANAGEMENT SKILLS VIA EXPERIENTIAL LEARNING FOR FOUNDATION STUDENTS	74
6.	027-030	BUSINESS POTENTIAL AND ENTRY MODE INTO EUROPE FURNITURE MARKET	75
7.	017-037	THE EFFECTS OF FINANCIAL WELL-BEING AMONG B40 HOUSEHOLD INCOME GROUP IN MALAYSIA: AN EMPIRICAL INVESTIGATION	76
8.	061-040	UNLOCKING THE VALUES OF ARTIFICIAL INTELLIGENCE (AI) IN HUMAN RESOURCE MANAGEMENT (HRM) IN ENHANCING EMPLOYEE RETENTION	77
9.	026-041	DOES GOVERNMENT EXPORT ASSISTANCE MODERATE STRATEGIC CAPABILITIES AND EXPORT PERFORMANCE MANUFACTURING SMES IN MALAYSIA?	78
10.	028-048	SYSTEMATIC LITERATURE REVIEW: POLICE AND PERSONALITY TRAITS	79
11.	069-052	MEASURING INTELLECTUAL CAPITAL: A REVIEW OF RECENT LITERATURE	80
12.	073-061	BRIDGING THE GAP: EXPLORING THE INFLUENCE OF HUMAN CAPITAL FACTORS ON JOB MATCHING IN MALAYSIA	81
13.	023-065	FOSTERING SUSTAINABLE SISWAPRENEURSHIP: COLLABORATIVE STRATEGIES FROM UNIVERSITY, GOVERNMENT, AND PRIVATE SECTOR SUPPORT	82
14.	082-069	EMPLOYEE PERCEPTIONS OF OCCUPATIONAL HEALTH AND SAFETY STANDARDS (OHS) IN THE OIL AND GAS INDUSTRY IN MALAYSIA	83-84



No.	Paper ID	Paper Title	Pages
15.	019-081	PARTICIPANT PROFILING ANALYSIS FOR THE KELULUTPRENEURS INCUBATOR UNDER THE COMMUNITY ENGAGEMENT PROJECT OF UiTM CAWANGAN MELAKA AND YAYASAN TM	85
16.	089-082	10 YEARS STUDIES OF BUSINESS MANAGEMENT KNOWLEDGE SHARING IN SOCIAL MEDIA: A BIBLIOMETRIC ANALYSIS AND FUTURE RESEARCH AGENDA	86
17.	030-085	CREATIVE PROFILING OF APPLICANTS FOR KELULUTPRENEURS INCUBATOR UNDER COMMUNITY ENGAGEMENT PROJECT OF UiTM CAWANGAN MELAKA AND YAYASAN TM	87
18.	072-086	LEVERAGING BRAND AWARENESS THROUGH APPRENTICE PROGRAM AS DIGITAL MARKETING PLATFORM	88
19.	072-090	THE EFFECT OF ADMINISTRATIVE PROCESSES FOR UNREGISTERED EMPLOYERS ON THE INCREASE IN THE NUMBER OF PARTICIPANTS REGISTERING AT BPJS KETENAGAKERJAAN	89
20.	056-093	EXPLORING THE CHALLENGES OF ENGAGING IN ENTREPRENEURIAL ACTIVITIES AMONG UNDERGRADUATE STUDENTS: A CASE STUDY IN MALACCA	90
21.	101-096	THE IMPLEMENTATION OF ELECTRONIC MEDICAL RECORD (EMR) IN HOSPITALS	91
22.	103-097	THE INFLUENCE OF SHOPPING LIFESTYLE, FASHION INVOLVEMENT, AND HEDONIC SHOPPING ON E-COMMERCE AND MODERATING EFFECT OF IMPULSE BUYING	92
23.	102-098	INNOVATIVE WORK BEHAVIOUR: A BIBLIOMETRIC ANALYSIS AND FUTURE RESEARCH DIRECTIONS	93
24.	076-101	GREEN SUKUK LITERATURE STUDIES: DEVELOPMENTS AND CHALLENGES OF GREEN SUKUK IN THE WORLD (47 YEARS BIBLIOMETRIC, 1976 - H1'2023)	94
25.	105-102	THE LINKAGE OF TRAINING, KNOWLEDGE MANAGEMENT, AND KAIZEN CULTURE ON THE EMPLOYEE PERFORMANCE	95
26.	023-107	THE EFFECT BETWEEN SHOPPING LIFESTYLE, FASHION INVOLVEMENT, HEDONIC SHOPPING, AND IMPULSE BUYING TOWARDS SHOPEE E-COMMERCE	96
27.	110-110	NAVIGATING THE DIGITAL LANDSCAPE: A CONCEPTUAL STUDY OF DIGITAL TECHNOLOGY ADOPTION AMONG ACCOUNTING PRACTITIONERS IN SMALL AND MEDIUM-SIZED FIRMS	97
28.	059-112	IMPACT OF JOB ROTATION SYSTEM ON THE EMPLOYEES PERFORMANCE - BASED ON CHINESE STATE-OWNED ENTERPRISES	98



No.	Paper ID	Paper Title	Pages
29.	116-116	MARKET VALUATION ANALYSIS FOR SELECTED COMPANIES IN HEALTHCARE INDUSTRY	99
30.	115-119	PERCEIVED SOCIAL SUPPORT AND SOCIAL ENTREPRENEURSHIP INTENTION: A VIEWPOINT FROM INDONESIA	100
31.	123-125	THE DETERMINANTS OF SAVING BEHAVIOUR FOR RETIREMENT PREPARATION FOR THE MILLENNIAL GENERATION	101-102
32.	045-150	EXPLORING ADVENTURE-BASED TOURISM DIGITIZATION FOR EFFECTIVE MARKETING STRATEGIES	103
33.	141-152	SUSTAINABILITY THROUGH BUSINESS MODEL INNOVATION: A CASE STUDY OF PERKHIDMATAN SOSIAL PEMBANGUNAN KOMUNITI (PSPK)	104
34.	145-156	BRIDGING THE GAP – THE DIRECT AND INDIRECT BENEFITS OF DIGITAL ADOPTION AMONG SMALLHOLDERS	105
35.	143-157	THE IMPORTANCE OF CELEBRITY ENDORSEMENT IN INCREASING SALES FOR FASHION INDUSTRY	106
36.	137-158	THE IMPACT OF ACTIVITY RATIO TOWARDS FIRM'S PERFORMANCE OF THE LISTED HEALTHCARE COMPANIES IN SINGAPORE EXCHANGE (SGX)	107
37.	147-159	FOOD NEOPHOBIA AMONGST YOUNG MALAYSIANS - UNDERSTANDING YOUNG MALAYSIAN PERCEPTIONS OF NOVEL FOODS CONCERNING INDIVIDUAL DEMOGRAPHIC BACKGROUNDS	108
38.	147-160	INTRAPRENEURSHIP SKILLS IN WORKPLACE AND INNOVATIVE BEHAVIOUR AMONG IGEN GRADUATES: A PROPOSED CONCEPTUAL FRAMEWORK	109
39.	149-161	THE ROLE OF EWOM IN FUNCTIONAL FOODS PURCHASE INTENTION	110
40.	152-164	ANALYSING SOCIAL, ECONOMIC, TECHNOLOGY AND POLICY IMPACTS ON FIRM PERFORMANCE IN MALAYSIA DURING THE COVID-19 PANDEMIC	111
41.	134-168	DOES THE ISLAMIC MARKETING MIX MODEL MATTER IN COPING WITH THE RISING COST OF LIVING IN MALAYSIA DURING THE CRISIS?	112
42.	148-169	LITERATURE FINDINGS ON THE PHENOMENON OF FOREIGN WORKER HOUSING IN PENINSULAR MALAYSIA	113
43.	155-170	UNRAVELING THE COMPENSATORY MECHANISM: PAY TO PLAY IN FREEMIUM MOBILE GAMES	114
44.	156-174	CORONAVIRUS DISEASE (COVID-19) AND MALAYSIA STOCK MARKET PERFORMANCE	115



No.	Paper ID	Paper Title	Pages
45.	162-182	FACTORS INFLUENCING SPENDING BEHAVIOUR AMONG BAAF STUDENTS IN KOLEJ POLY-TECH MARA BANGI	116
46.	164-184	THE IMPACT OF THE COVID-19 PANDEMIC ON THE FINANCIAL PERFORMANCE OF PUBLICLY LISTED COMPANIES	117
47.	165-185	THE EFFECT OF EXCHANGE RATE, INFLATION RATE, AND GROSS DOMESTIC PRODUCT ON MALAYSIA STOCK MARKET RETURN	118
48.	168-186	ATTITUDE, PERCEIVED BEHAVIORAL CONTROL AND INTENTION TO PARTICIPATE IN GIG ECONOMY: THE ROLE OF PUSH MOTIVATION	119
49.	166-192	LEGAL AVENUE IN MALAYSIA FOR RECOVERING UNLAWFUL MONEY IN BUSINESS TRANSACTION	120
50.	157-194	THE INFLUENCE OF INNOVATION OF SACRIFICIAL WORSHIP SERVICES AND DIGITAL MARKETING ON MILLENNIAL AND Z GEN DONATION TENDENCIES	121
51.	173-199	THE CREDIBILITY OF SOCIAL MEDIA MARKETING; MANIPULATING CONTENT BY INFLUENCERS	122
52.	175-200	FINANCIAL LITERACY AND INVESTMENT DECISION MAKING APPLYING BEHAVIORAL FINANCE CONCEPTS	123
53.	153-202	THE ZAKAT OFFICER OPINION TOWARD BUSINESS INNOVATION MODEL WITH INTERNAL, EXTERNAL SUCCESSFUL FACTOR, SHARIAH COMPLIANCE, DIGITAL TECHNOLOGY AND AGENCY AUTHORITIES AMONG ASNAFPRENEUR IN MALAYSIA	124
54.	181-211	A QUALITATIVE APPROACH TO LEADERSHIP EFFECTIVENESS FOR SUSTAINABLE SMEs PERFORMANCE	125
55.	176-214	DIAGNOSING THE WELL-BEING OF GIG WORKERS IN MALAYSIA: A VIABLE SYSTEM MODEL APPROACH	126
56.	008-215	ANALYSIS OF NON-CITIZEN EMPLOYMENT IN MALAYSIA'S LABOUR MARKET	127
57.	191-216	DYNAMIC CAPITAL STRUCTURE ADJUSTMENT: DOES DIGITAL TRANSFORMATION MATTER?	128
58.	191-217	ACCOUNTING ETHICS COURSES, TEACHING PEDAGOGIES AND VALUES ON ETHICAL BEHAVIOUR OF ACCOUNTING GRADUATES IN MALAYSIA	129
59.	193-218	SURVIVAL RURAL TOURISM THROUGH DIGITAL MARKETING: CASE STUDY IN KEDAH – MALAYSIA AND SURABAYA – INDONESIA	130



No.	Paper ID	Paper Title	Pages
Scope: MAINSTREAM PHILANTHROPY			
1.	021-006	ANALYSING THE IMPORTANCE OF WAKALAH CONTRACT IN WAQF DEVELOPMENT PROJECTS	131
2.	009-007	ENHANCING THE FINANCIAL SUSTAINABILITY OF VULNERABLE POOR GROUP THROUGH THE IMPLEMENTATION OF QARD AL-HASAN AS i-CSR MECHANISMS BY ISLAMIC BANKING INSTITUTIONS	132
3.	030-010	FACTORS INFLUENCING THE INTENTION TO DONATE (INFAQ AND SADAQAH) AMONG UiTMCM STAFF	133
4.	031-011	WHAT AFFECTS THE INTENTION TO INVEST IN EQUITY CROWDFUNDING IN MALAYSIA?	134
5.	016-014	THE APPLICATION OF SHURA IN MALAYSIAN ISLAMIC SOCIAL FINANCE AGENDA	135
6.	034-015	FACTORS INFLUENCING ISLAMIC GOVERNANCE IN ZAKAT INSTITUTIONS IN RIAU PROVINCE	136
7.	035-017	A BIBLIOMETRIC RETROSPECTION OF CASH WAQF FROM THE LENS OF SCOPUS DATABASE (1979 – 2023)	137
8.	041-019	RELATION OF TECHNOLOGY ACCEPTANCE TOWARDS INTENTION TO CONTRIBUTE CASH WAQF: INVESTIGATION OF THREE SELECTED STATES IN MALAYSIA	138
9.	044-021	DEVELOPMENT OF A PRELIMINARY ‘TOURGITAL’ ACCEPTANCE FRAMEWORK: AN EXPERIENCE OF TOURIST IN SEREMBAN DISTRICT	139-140
10.	037-023	A COMMUNITY MODEL AND ROLE OF ZAKAT IN IMPROVING QUALITY OF LIFE OF CHILDREN LIVING IN PPRT	141
11.	047-028	REGULATION AND GOVERNANCE MATTERS IN THE MANAGEMENT OF SOCIAL DEATH FUND UNDER MALAYSIAN MOSQUES	142
12.	004-034	CHARITABLE DONATION BEHAVIOR IN INDONESIA: GENERATIONAL INSIGHTS	143
13.	018-036	WAQF FOR EDUCATION IN MALAYSIA: HISTORICAL IMPLEMENTATION, TYPES, AND SIGNIFICANCE	144
14.	060-039	WAQF LINKED TO ISLAMIC COOPERATIVE (WAQF, PROFIT AND LOSS SHARING, ZAKAT)	145
15.	064-044	DOES GOVERNMENT EXPORT ASSISTANCE MODERATE STRATEGIC CAPABILITIES AND EXPORT PERFORMANCE MANUFACTURING SMEs IN MALAYSIA?	146
16.	065-046	EXPLORING CURRENT PRACTICES AND GOVERNANCE OF MALAYSIAN MOSQUE COMMITTEES IN MANAGING THE MUTUAL BENEVOLENT OF KHAIRAT DEATH FUND	147



No.	Paper ID	Paper Title	Pages
17.	066-049	WHAT DRIVES RE-PARTICIPATION INTENTION OF VOLUNTEER TOURISM IN MALAYSIA?	148
18.	020-050	WAQF GOVERNANCE: A PARADIGM SHIFT TOWARDS THE SUSTAINABILITY OF WAQF BENEFIT	149
19.	058-053	FEAR OR GREED? ASSESSMENT ON INVESTORS' INVESTMENT DECISIONS IN EQUITY FUNDS	150
20.	058-056	ISLAMIC MICROENTERPRISE INSTITUTIONS: RISKS AND CHALLENGES IN THE POST-COVID-19	151
21.	083-070	WELLBEING OF CAREGIVERS OF CHILDREN WITH DISABILITIES: ROLE OF ISLAMIC PHILANTHROPY	152
22.	094-087	ISLAMIC HUMAN DEVELOPMENT INDEX (IHDI), INSTITUTIONAL QUALITY, MACROECONOMICS AND ECONOMIC GROWTH: EMPIRICAL EVIDENCE FROM ORGANIZATION OF ISLAMIC COOPERATION (OIC) COUNTRIES	153
23.	098-092	POTENTIAL INDICATORS FOR ISLAMIC STOCK MARKETS IN BURSA MALAYSIA	154
24.	047-100	THE PROS AND CONS OF SOCIAL DEATH FUND MANAGEMENT BY THE MALAYSIAN MOSQUE COMMITTEES	155
25.	107-104	APLIKASI TAKAFUL MODEL WAKAF DI BRUNEI DARUSSALAM	156
26.	121-123	THE NEWLY-DEVELOPED OF BLOCKCHAIN ARCHITECTURE ON ZAKAT COLLECTION IN MALAYSIA: A CASE IN MAIWP-PPZ, MALAYSIA	157
27.	122-124	MEMBER'S PERCEPTIONS AND EXPECTATIONS OF MUTUAL BENEVOLENT DEATH FUND MANAGED THE MALAYSIAN MOSQUE COMMITTEES	158
28.	129-128	PHILANTHROPY IN THE PERSPECTIVE OF ISLAMIC ECONOMICS AND ITS PRACTICES AMONG INDONESIAN MUSLIM ENTREPRENEURS: A DIVINE INSURANCE AND INVESTMENT	159-160
29.	129-129	ANALYSIS OF THE ROLE OF PRODUCTIVE ZAKAT IN STRENGTHENING LOCAL INSTITUTIONS IN AN EFFORT TO IMPROVE FARMER WELFARE IN CIPANJALU VILLAGE (CASE STUDY OF KOPERASI AGRONATIVE)	161
30.	129-130	THE IMPLEMENTATION OF PRODUCTIVE WAQF IN INCREASING THE QUALITY OF EDUCATION IN RURAL AREAS	162
31.	129-132	THE ROLE OF ZAKAT INSTITUTIONS IN ACCELERATING STUNTING REDUCTION IN INDONESIA LESSON LEARN FROM THE DOMPET DHUFAFA NUTRITION POST PROGRAM	163



No.	Paper ID	Paper Title	Pages
32.	129-133	ANALYSIS OF THE ROLE OF DOMPET DHUAFA IN FILLING THE GAP IN ACCESS TO UNIVERSAL HEALTH COVERAGE FOR POOR PEOPLE IN INDONESIA	164
33.	128-137	GLOBAL TREND IN WAQF RESEARCH: A GENERAL BIBLIOMETRIC AND CONCEPTUAL STRUCTURE APPROACH USING BIBLIOSHINY	165
34.	129-138	MEASURING SATISFACTION OF MUSTAHIK SERVICES DOMPET DHUAFA USING CUSTOMER SERVICE INDEX AND IMPORTANCE-PERFORMANCE ANALYSIS	166
35.	129-140	COMPARATIVE STUDY OF QUALITY OF LIFE LEVELS OF ELDERLY IN EMPOWERED VILLAGE	167
36.	133-143	KSB NO RIBA	168
37.	136-145	GREEN WAQAF INIATIVE: A CASE STUDY OF UKM-GSB PROJECT IN SABAH	169
38.	138-146	ZAKAT AMONG MUSLIM FOREIGN WORKERS: PAYMENT IN MALAYSIA VERSUS ORIGIN COUNTRY	170
39.	051-148	STUDYING THE IMPORTANCE OF COMMUNICATION MANAGEMENT STRATEGIES IN ADDRESSING INTERNAL COMMUNICATION CRISES AMONG CUSTOMER SERVICE OFFICERS IN MALAYSIA: A CONCEPTUAL PAPER	171
40.	133-171	OPTIMIZING COLLABORATIVE ECONOMY IN ZAKAT INFAQ AND SADAQAH (ZIS) COLLECTION THROUGH KENCLENG CULTURE	172
41.	133-172	MEASURING THE IMPACT OF SOCIAL PROGRAMS IN LAZNAS AL-AZHAR VILLAGE EMPOWERMENT PROGRAMS USING THE SOCIAL RETURN ON INVESTMENT (SROI) AND SUSTAINABLE LIVELIHOOD IMPACT ANALYSIS (SLIA) METHODS (CASE STUDY OF PUNCU VILLAGE, KEDIRI, EAST JAVA)	173
42.	174-198	IMPLEMENTATION OF THE FOUR-LEVEL KIRKPATRICK MODEL EVALUATION IN THE UTILIZATION ZAKAT EDUCATION TELADAN NEGERI SCHOLARSHIP PROGRAM TO INCREASE STUDENT LEARNING MOTIVATION AND MORAL	174
43.	163-203	ECOSYSTEM STRATEGY FOR THE GROWTH AND DEVELOPMENT OF ISLAMIC PHILANTHROPIC INSTITUTIONS	175
44.	163-205	IMPACT STUDY OF DOMPET DHUAFA BEASTUDI SCHOLARSHIP PROGRAM FOR WELFARE IMPROVEMENT LEMBAGA PENGEMBANGAN INSANI DOMPET DHUAFA	176



No.	Paper ID	Paper Title	Pages
45.	163-208	INDONESIAN ZAKAT INITIATIVE (IZI) FARMER EMPOWERMENT PROGRAM IN INCREASING FOOD SECURITY (STUDY IN GEMPOL SARI VILLAGE, EAST SEPATAN DISTRICT, TANGERANG REGENCY OF BANTEN PROVINCE)	177
46.	163-209	WHATSAPP BOT DEVELOPMENT FOR EASY PAYMENT OF ZAKAT, INFAK AND OTHER GOODNESS	178
47.	177-210	PROFILING STUDY OF THE ASNAF INCUBATOR PROGRAM ACROSS MALAYSIAN STATES	179
48.	183-213	THE ROLE OF WAKF IN FINANCING HIGHER EDUCATION – AN ANALYSIS OF THE IMPLEMENTATION OF EDUCATIONAL WAKF IN JOHOR	180



171_197

FAMILY-BASED CARE THROUGH FOSTER CARE IN MALAYSIA: A POST-2016 CHILD ACT AMENDMENT ANALYSIS

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Abstract

Despite the recognition of family-based care after the amendments to the Child Act 2001 in 2016, a significant number of children in Malaysia continue to reside in institutional care facilities. Extensive research indicates that institutional care can have detrimental effects on a child's holistic development, encompassing physical, intellectual, and mental aspects. In light of these concerns, the prioritization of family-based care is imperative to ensure the well-being of children and to safeguard their inherent right to grow within a family environment. Foster care stands out as a prominent alternative within the realm of family-based care. Presently, Malaysia lacks specific legislation dedicated solely to foster care, with the Child Act 2001 containing limited provisions, some of which have been amended after 2016. Furthermore, the Child Act 2001 does not expressly permit agencies beyond the Social Welfare Department to formally assess the suitability of foster parents. Consequently, institutional care remains a prevalent placement choice for children in need of care and protection, while opportunities for foster care placements remain scarce. This research embarks on a comprehensive analysis of the amendments to the Child Act 2001 concerning foster care as an alternative care solution for children in need of care and protection. The study also delves into the international legal framework for foster care. Employing a qualitative research methodology comprising library research and content analysis, this study endeavors to inform policy and legislative improvements. The findings of this research suggest that legal and policy reforms are necessary to strengthen foster care as a viable alternative for children in need of care and protection. The study focuses primarily on the Child Act 2001 and the international legal framework for foster care. The implications of this research extend to child welfare policies, legal frameworks, international alignment, government commitments, and the promotion of family-based care. It also underscores the importance of comprehensive research in addressing the complex issues related to child protection. The expected outcomes of this research align with the Malaysian government's commitment to building an inclusive society that prioritizes children's well-being and fortifies the child protection system. This initiative resonates with the National Child Policy, the National Child Protection Policy, the Twelfth Malaysian Plan (RMK12), and the United Nations Sustainable Development Goals (SDGs) to ensure the holistic welfare and protection of Malaysia's children.

Keywords: Family-based Care, Foster Care, Alternative Care, Child Protection, Child Act 2001