

Empowering Social Protection System. The Role of Government and a Way Forward

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Abstract

Ageing population, unstable labour market and economic condition, changing in job nature, rise of the informal sector, and emergence of epidemic diseases have resulting the need for a dynamic social protection system. The less developed and developing countries are those who affected with these challenges and they are urged to provide adequate and comprehensive protection especially for the vulnerable groups. The undermining of socio and economic capability in a country requires better attention from the government in providing protection to ensure the public especially the vulnerable groups will not fall through the safety net. Inevitably, the role for social protection relies heavily on the government as a policy formulator and legislator, as a policy implementer and administrator, and as a mediator. This is emphasized by the International Labour Organization that the government should play a significant role in providing adequate or at least sufficient social protection to the public. Malaysia is no exception. To make evident this statement, several evidences are presented in this paper by referring to informants, published data, and information from secondary sources such as scholarly articles and journals, data from the web and newspapers. Some recommendations have also outlined the comprehensive roles of the government in empowering the social protection in Malaysia.

Keywords: *government, social protection, social insurance, public assistance*

INTRODUCTION

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The role of government in social protection to accelerate socio-economic development has become more and more prominent nowadays. The change in demographic trends, rapid ageing community, globalization, inflation, emergence of epidemic diseases, and the increase of medical and socio-economic costs have driven the need for effective and dynamic social protection program. As part of human rights, it needs to be recognized and served by the government. The government has played a significant role in providing an adequate social protection system for the public by being a policy formulator and legislator, as a policy implementer and administrator, and as a mediator. This is because, it is only the government which can be expected and relied on to taking the ultimate responsibility for the overall social and economic well-being of the

population (International Labour Organization (ILO), 1992). This is supported by various ILO publications and report stated that, “the central government will certainly want to have a say in the nature of benefits to be provided, the content of the legislations and the amount of the allocation of funds within the framework of national economic plans.”

Therefore, this article aims to analyze the role of government in social protection by looking from several perspectives in terms of policy formulator, legislator, administrator and mediator. The issues and challenges in social protection are also discussed in this article to substantiate the role of government in the Malaysian system.

According to the Asian Development Bank (ADB) in the Social Protection Strategy (SPS) on 13 September 2001, social protection can be defined as:

“Set of policies and programs designed to reduce poverty and vulnerability by promoting efficient labour markets, diminishing people’s exposure to risks and enhancing their capacity to protect themselves against hazards and interruption/loss of income.”

This definition clearly shows the importance of social protection as the role to be played by the government as a policy formulator and implementer. The multi-pillar system in social protection proposed by the World Bank by Holzmann R. in 2001 has become a good benchmark for many social protection studies. However, the role of government as a major key-player in social protection is definite and crucial. The World Bank (2001) also emphasized the role of government through their definition of social protection as the need for the government to intervene and provide assistance or support to the individual, household and communities for a better risk management especially to the critically poor.

METHODOLOGY

This paper employed the qualitative approach by reviewing on policy documents, newspaper cuttings related to this topic were the main sources for this paper. The findings were also strengthened by the observations and quotes from the respondents through the interview process. The selection of the informants was based on the judgmental sampling of which the researcher believes the richness of data may have been derived from those who are working at various ministries as social protection providers and directly involved in the implementation on the social protection programmes in Malaysia. These sources were then structured and presented through the

preamble themes, such as government as a policy formulator and legislator, as a policy implementer and administrator, and as a mediator.

FINDINGS AND DISCUSSION

Overview of the Social Protection in Malaysia

Existing Social Protection Program in Malaysia

Social protection is very important and served as the basic human rights for all people that need to be protected under the government schemes from any eventualities and in contingencies. It is also a fundamental means for creating social cohesion among communities as well as to ensure the social equity and inclusion. Apart from that, it is a tool to prevent and to alleviate poverty through various programs from the government policies so at least it can provide a minimum floor of income especially for middle and low income earners when they are really in need.

Realizing the importance of social protection, Malaysia had significantly developed the system prior to independence as reported by Siti Hajar (2000) which identified that, the evolution of social security in Malaysia involved three phases: (1) British Colonial Period (1850s-1940s), (2) Post-Colonial Dependent Era (1950s – 1960s), and (3) Independent Capitalist Industrialization Era (after the 1970s). Historically, the Malaysian government used the model of Britain's and the United States social security in designing the legislation assisted by the ILO which shaped the existing social protection system in Malaysia. The development of the social protection system was very much influenced by one of the significant policies in Malaysia, namely, the New Economic Policy. The main objective is to eradicate poverty and restructure the community. As a result, Malaysia has become a member of the ILO and International Social Security Association and other international affiliations throughout the globe in the effort to strengthen the social protection program.

By using the model from the Social Security Research Centre (SSRC) Report (2014), the current social protection system in Malaysia can be classified as in Table 1.

Table 1: Social protection programmes in Malaysia

Social Protection	Programmes	Provider
Public assistance	<ul style="list-style-type: none"> • Financial and welfare assistance • Home-help service • Zakat 	Federal and state government through several ministries Pusat Zakat and Baitulmal – State level
Social insurance	<ul style="list-style-type: none"> • Public sector pension • Retirement and protection for armies • Old age protection and savings • Employment injury and invalidity • Workmen Compensation Act • Sickness and maternity benefits • Healthcare • Private retirement scheme • Savings scheme 	Public Service Department Armed Forces Fund Board (LTAT) Employees Provident Fund Social Security Organization Ministry of Human Resources Ministry of Human Resources Social Security Organization PRS Council Employees Provident Fund
Labour Market Programmes	<ul style="list-style-type: none"> • Retrenchment benefits • Retrenchment monitoring operation room • Electronic labour exchange • Vocational training programmes for retired / retiring service men • Job coaching • Return to Work • Microcredit 	Ministry of Human Resources Ministry of Human Resources Ministry of Human Resources Public Service Department Ministry of Human Resources Social Security Organization Agencies under Ministry of Rural and Regional Development

Adapted from the SSRC Report, Mansor, N., Salleh, S., Nabilah, S., Tan, L. Y., Koutrouas, E., & Aikanathan, S. (2014).

In the general perspective, Malaysia practices social insurance, public assistance and labor market programmes in designing social protection. At present, the role of social insurance in Malaysia is the responsibility of the social insurance institution (provider), such as the Social Security Organization (SOCSO) and the Employees Provident Fund (EPF), both to provide compensation and benefits for employment and invalidity benefits and for the old age benefits. Most of the schemes require monthly contributions from employees and employers. However, public assistance applies the principle of pay-as-you-go which is derived from the payroll tax. It means the financing method for public assistance programmes which rely on the tax paid by current generation to indirectly support the group of neediest at particular time. However, social protection in Malaysia is still inadequate especially in terms of coverage and benefits (Rusma, 2006; Ong & Tengku Aizan, 2010). This is because the central focus of the current practice is very much on the formal sector while the informal sector faces a lack of coverage and inadequate protection.

From the social insurance perspectives, the coverage is limited to only formal sector workers such as public and private sector employees. However, the informal sector workers such as farmers, hawkers and fishermen, which is 11% from the total employment workers (Department of Statistics Malaysia, 2016), depend heavily on the public assistance, volunteer savings and protection which is based on their financial ability and purchasing power.

Another branch in the social security system is public assistance. These programs are usually fully funded by the government and require a means-test (test to determine if someone is qualified to receive the benefits, usually based from monthly income) to identify the qualified beneficiaries. In public assistance, the benefits are in forms of housing, education, food, basic needs subsidies, income generation and more (Suhaimi & Shawal, 2008).

The federalism theory has underlined the public assistance program to be implemented at both levels in the government, the federal and state levels. It can be seen in the 9th Schedule of the Federal Constitution of Malaysia on the Concurrent list (List III) which underlines the shared responsibility between federal and state government in social welfare for people such as protection for women, children and young person.

This legal framework has shown the shared responsibility of social welfare between the federal and state government. This is to ensure that the protection for vulnerable groups will always be taken care of as well as to avoid social exclusion and marginalization. The labour market programmes on the other hand, are clearly available only for formal sector workers, which focus on unemployment protection, vocational training and education. The segregation of social protection coverage has become one of the biggest limitations for adequate social protection in Malaysia.

Several ministries such as Ministry of Women, Family and Community Development, Ministry of Rural and Regional Development, Ministry of Health, Ministry of Education are identified to carry out the role of providing social security programs, however, there is no clear information about the responsible organization to monitor the schemes and programs as a coordinating body (Mohd, 2010, Norma, Salleh, Sharifah Nabilah, Tan, Koutronas, & Aikanathan, 2014).

Role of Government in Social Protection in Malaysia

The World Bank definition on social protection has mentioned about government intervention. It is clearly shown that, in implementing social protection, the government needs to play a significant role in providing, promoting, enhancing and monitoring the program. This has been confirmed by the early publication of the ILO in 1983 (Introduction to Social Security), which identified three major roles of government: policy formulator and legislator, policy implementer and administrator, and mediator.

Government as policy formulator and legislator

Asian Development Bank (2014) includes the role of government in designing the policies and programs with the objectives of reducing poverty and vulnerability by promoting efficient labor markets, diminishing people's exposure to risks and enhancing their capacity to protect themselves against hazards and interruption or loss of income; as part of its definition on social protection.

The role of government as a policy formulator can be clearly seen from the inception of social protection policies related to public welfare, labour force and social insurance. Pioneering with the New Economic Policy in 1971, followed by the National Development Policy in 1991, these policies focus on poverty eradication and structuring society. In 2010, the government introduced the New Economic Model which emphasized the social safety nets and concerned the inclusiveness of the bottom 40% (B40) group of the population. The B40 group is actually those who earned income below RM3000 per-month (2016) and are considered as very vulnerable and exposed to risk and can easily fall through the net. It was then supported by the Economic Transformation Program leading to the achievement of Vision 2020 in the near future. Several provisions and acts pertaining to the social protection have also been introduced over the past 6 decades. Since independence, the state has enacted different policies in social insurance and public assistance as listed in Table 2.

Table 2: Selected provisions enacted on social protection

Social protection	Provisions of Law
Social insurance	Employees' Social Security Act 1969
Pension & retirement benefits	Employees' Provident Fund Act 1952 Malaysia Pension Act 1980 Armed Forces Fund Act 1973
Public assistance	Destitute Persons Act 1977 Child Act 2001

	Person with Disabilities Act 2008
	Schedule 9, Federal Constitution Malaysia
Labour Market Programmes	Employment Act 1955
	Employees' Social Security Act 1969
	Workmen Compensation Act 1952
	Minimum Wages Order 2012

Adapted from the SSRC Report, Mansor, N., Salleh, S., Nabilah, S., Tan, L. Y., Koutronas, E., & Aikanathan, S. (2014).

All of the social protection institutions in Malaysia have been established under the government statute to implement various programmes in social insurance and public assistance. SOCSO has been established under the Ministry of Human Resource while the EPF is under the jurisdiction of the Ministry of Finance; and, the other ministries carry out the role of public assistance and safety nets according to the portfolios of the ministries.

Nevertheless, the government should provide an effective and efficient service to the public which consists of employees and employers, as well as other sectors of the population, such as the self-employed and the non-employed (ILO, 1992). Unfortunately, the coverage of social insurance (as to provide income maintenance) in Malaysia excludes the informal sector (Mary, 2003; Navamukundan, 2000; Saidatulakmal, 2006; Siti Hajar & Faizah, 2000; Suhaimi, Khairiyah, & Nasyrah, 2009). It is only from the year 2010 that the government, through the EPF, extended the coverage for income retirement for housewives and the informal sector, but it is only on a voluntarily basis. Nonetheless, protection for employment injury and invalidity benefits remain excluded for the majority of self-employed and informal sector. At the same time, to keep abreast with the current needs and global demand, the amendments of the acts in social security provisions show Malaysia as a responsive government in social protection. The change in EPF contributions is based on the economic conditions, while the decision in extending the coverage of the EPF to the informal sector under 1Malaysia Retirement Scheme in 2009 and i-Suri in 2018 shows part of the efforts made in extending social protection coverage. SOCSO, however, shows significant changes in policy. The latest development is that the government has extended the coverage for SOCSO for all private sector employees including non-permanent public sector workers regardless of their salary.

To overcome the vulnerability of retrenched workers, the government has introduced the unemployment benefits for the retrenched workers through the Employees Insurance System in 2017. The minimum wage is another long-dragged out issue put forward by the pressure groups, especially the Malaysian Trade Union

Congress which represents the voice of workers and employees in Malaysia. This policy, however, materialized in 2012 with the inception of the Minimum Wages Policy.

In public assistance perspectives, the policies related to this area are empowered though the improvement of the types of benefits and the indexation of the benefits in line with the socio-economic progress. This is important to make it consistent with the rise of cost in healthcare, devaluation of currency, cost of living and many other issues related to socio-economy.

For this reason, informants of this study also stated that the process of formulating the policy also involves from policy recommendations made by public officials suggesting for the improvement of existing benefits. However, the decision is subject to the ministerial level which is in line with the bottom-up approach in public policy. This is because, they are closer to the grassroots level, and they understand better on the issues faced by community.

State as Policy Implementer and Administrator

The federal government in Malaysia is responsible to implement the policies related to social protection. The main function can be seen from the distribution of benefits' role in public assistance. For the federal aid program, Department of Social Welfare is responsible to distribute the financial cash transfer. The policy of *Pembayaran 1 haribulan* (payment of the benefits on the 1st day of the month) is the key performance indicator for the department. For the in-kind benefits such as shelter, school uniform, equipment for entrepreneurship, the federal government is responsible to distribute the benefits to the rightful beneficiaries by using the means test approach as stated by the informant of this study. Yet, there are still many critics on the mis-targeting of the benefits which has led to errors in inclusion and errors in exclusion (Zin, 2006).

In the Malaysian parliamentary system, despite the government being the legislative body to formulate policies, they also execute the policies, accordingly. Thus, the government at the federal and state levels has also become the enforcer and implementer. From the social insurance perspective, the responsible agencies like SOCSO, EPF and Department of Labor will enforce the laws as these programmes are compulsory for all formal sector workers. Thus, the compliance with these provisions, like compulsory registration and contribution of employees on social insurance programmes and minimum wages, is essential to be imposed, especially for the benefits and protection of the employees. The areas of protection include retirement, old age

savings, employment injuries, invalidity and maternity benefits for both local and foreign workers.

Although there are various act enacted, several issues have been reported on fraudulent cases by employers and contributors, the reluctance of employers in assisting claims and contributions, mismanagement of the social protection, such as the administrator requiring a significant role to be played by the government to enforce the law, policies and programs in social protection. In SOCSO for instance, the statistic has shown, a total of 13,608 compound has been issued with a total compound worth of RM9, 035,050 since 2009 (NST, 2015).

The government also administer the social protection institution including securing and monitoring the financial stability of social security funds, as well as associating the representativeness of the protected person and employers (Introduction to Social Security, 1984). One of the important roles is to ensure that the necessary actuarial studies and calculations concerning financial equilibrium are made systematically and periodically.

The federal and state governments are responsible for the social protection policy in forms of implementing and administering the policy programs all the way down the line, while the whole operation is managed within the public service, especially in public assistance programmes. The establishment of eKasih as a national database on poverty is one of important evidences on the role of government in social protection. One informant stated that, the process of monitoring, managing, improving, consolidating and maintaining the data and system requires a lot of efforts and thus requires significant role of the government. Since the establishment of eKasih in 2007, this system has been recognized with numerous awards, such as the United Nations Public Service Awards 2012 in New York, and has been improvised accordingly.

This database (eKasih) and committee have reduced the problems of misallocations and errors in the targeting of public assistance programmes implemented by the Federal government (National Welfare Department, Ministry of Education, Ministry of Rural and Regional Development), State Government and Islamic Institutions (Zakat and Baitulmal). The most significant contribution of this system is to reduce the redundancy of the benefits among the rightful beneficiaries.

To illustrate, two informants mentioned about the role of eKasih as a very reliable database, from their point of view. They can ensure there is no redundancy of the benefits through the system by providing the applicant's name or identity card number.

To strengthen this process and in line with the establishment of eKasih, the Implementation and Coordination Unit has introduced a committee at the federal, state and local levels, namely, the Committee of Poverty Eradication Focus Group Meeting (Ahli Mesyuarat Focus Group Pembasmian Kemiskinan). This committee is responsible for validating the approval of the applicants in public assistance programmes at community level to avoid issues of miss-targeting. This is also supported in the “Instruction No.1, 2010, Economic Action Council” which emphasized the function of the Committee of Poverty Eradication Focus Group Meeting to ensure full compliance of the eKasih implementation at zone and territory levels.

The role of this committee has been observed through the Poverty Eradication Focus Group Meeting and several document reviews from minutes of the meetings in the selected District in several states in Malaysia in this study. This committee plays a very significant role in identifying and targeting the potential beneficiaries according to the targeting process or application received by the social assistance provider. It is then validated through the investigation process before the application of the benefits are approved and distributed to the rightful beneficiaries.

The process of distributing the benefits is also part of the implementation and administrative role in social protection which has been discussed in many studies (Ragayah, 2002; Siti Hajar, 2000; Suhaimi et al., 2009, Laroque, 2007). In-kind or in-cash benefits in Malaysia are distributed through direct distribution, such as groceries, equipment for income generation, housing etc., while monetary assistance, such as allowances (social assistance) or compensation (social insurance) will be distributed by cash or through financial institutions (local bank).

Government as a Mediator

The concept of a tripartite system in social protection and labour relations represents the role of three parties (representative of employees, employers and government) in formulating and discussing the labour law agreements. In this situation, the government will play a role to mediate any conflict that possibly occurs for better resolution between the demand of employer and the employee. The International Labour Organization Convention is the main platform where the government plays the role as mediator to achieve mutual agreement on basically all labour issues’ protection.

One of the important evidences to show the role of state in social protection in Malaysia for the past five years is the inception of the minimum wages legislation. This

issue was proposed by the employees union represented by the Malaysian Trade Union Congress (MTUC) over 6 decades ago. The Malaysian Employers Federation (MEF) strongly opposed the idea because it said it would favour the employees despite the interest of the employers. As a mediator, the government through the Ministry of Human Resource and Minimum Wages Council played a significant role to mediate this issue in balancing the interests of both employees and employers. The government has now legislate the National Minimum Wages Act 2011 in response to the establishment of the National Wages Consultives Council which was introduced in 2010 which only involves certain employees in catering and hotels, cinemas, and for security guards.

The current development of social protection issues in Malaysia is the introduction of unemployment benefits which is implemented under SOCSO. The program requires participation and agreement between the employees and employers because it involves cost for both parties through a defined-contribution. The Malaysian Employers Federation, however, justified that the unemployment benefits are unnecessary as the issue is a result of only several employers who did not comply with the regulation to pay the retrenchment benefits to their retrenched employees. Despite these arguments, the government has decided to implement the Employment Insurance System in 2018.

A Way Forward

Several social security institutions have provided a range of programs and schemes according to the nature of the institution. However, it is clear that there is no one full-fledged body to monitor these institutions. Some countries have gradually created a comprehensive single institution to manage the social security programs (ILO, 1984). Australia for example, has the Centrelink as the one-stop-centre to ensure that the social security programs are managed and administered effectively and efficiently. This system has successfully reduced the unnecessary redundancy of work and programs to the public. It proves the importance of coordination and communication through the operations of all social security providers in a particular state.

This scenario shows the need for some forms of integration, proactive and forward-looking on social protection issues to ensure good governance, transparency and accountability for extensive implementation (Suhaimi A.S, Khairiyah M.S & Nasyrah A., 2009). When there are several social protection programs divided between a number of institutions, departments or agencies, close coordination among them is very essential (ILO,1992). The establishment of eKasih has solved many problems of redundancy in public assistance programmes. But, it can be further improved and strengthened if every social protection provider in the federal or state level in social

insurance and public assistance can be integrated and cooperated with to become a dynamic database.

The government should be more proactive in providing comprehensive social protection for the public and benchmark the good social security practices from other countries. The availability of dynamic social security may serve the country to be sustainable and developed. Factors like the ageing population, increase in the informal sector, minimum wages, trade union movement and increased cost for health-care gives a greater challenge for the people to survive in the next few decades. An analysis by a financial analyst and EPF in 2008 stated that, Malaysians need between RM1.4 million to RM2.8 million to retire comfortably at age 55 (Suhaimi & Shawal, 2008). This indirectly shows the inability of the government to provide effective health-care and benefits for the public.

The Federal and State governments play a significant role in social protection as the policy formulators because they have the power to determine the policies that will benefit the government and public. However, in Malaysia, there is no specific Social Protection Policy in Malaysia (Suhaimi A.S, 2018). However, it is implemented through several acts and provisions. Even though not all countries have established a special policy on social protection, it is believed that, the specific overarching policy will provide the effort for programs to be more directive, effective and efficient and for a well governed system.

Thus, it requires the state to formulate an effective social protection and labour relations system to respond with the phenomenon. Noraini (2006) has stated that, in Malaysia, social protection issues have always been seen as secondary issues compared to the economic and political areas. As the social protection programs have evolved in Malaysia, and the coverage has become more widespread, there is a need for the central government's direction of the policies (ILO,1992). Thus, the establishment of the Social Protection Council in 2016 is the right decision.

CONCLUSION

In government development studies, it is important to understand the nature of country that largely affects the political movement, economic development, and social setting, as well as protection for the public. No matter what types of state and government of the country, the emphasis on people's welfare and social protection need to be paid proper attention to as they are recognized as part of human rights. However, the ability to provide sound, comprehensive, and dynamic social protection to the

community and people largely depends on the internal and external factors of the state, like the economic status that is also influenced by the global issues.

Ramesh (2002) suggested that the government needs to be fully responsible to provide social protection benefits directly from general revenues in order to ensure that the comprehensive and equitable protection and benefits are available and provided to the public. This is because, the social insurance system, unavoidably, will exclude the majority of the population.

It is not really appropriate for the developing countries to simply implement the policy and programs by benchmarking the Scandinavian and developed countries such as Denmark, Norway, and Sweden which have established a comprehensive social protection system, and almost universal benefits. But the continuous effort and better attention by the government towards issues of social security and safety nets are really important. Thus, the political will is very important to drive the direction and maneuver the development of social protection in Malaysia.

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