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**SURI-Employees Provident Fund (EPF) For Housewives; The importance of legal instruments as main support system in executing policy**

A policy initiative meant solely for housewives was announced on 8th June 2018 by Deputy Prime Minister, Dato' Seri Dr. Wan Azizah Wan Ismail who is heading the Ministry of Women and Family Development. The initiative aims at providing them financial security net, particularly when they solely depend on their husbands for income. This is achieved through the introduction of SURI, an Employees Provident Fund (EPF) for housewives to the head of household. In future context, the targeted heads of households



would further include the wife(s), husband, single mothers or fathers and widows. She regards the introduction of such scheme as a government's appreciation and husband's small tribute to the wives. It only involves a mere 2% out of their

total 11 % contributions to EPF and would neither burden the husband and family nor negatively reduce their take home pay.

The government has allocated altogether RM65 million for SURI. The Women, Family and Community Development Ministry is assigned to oversee the management and implementation of the SURI initiative and the SURI Fund. The Ministry is targeting 100,000 women who were originally enlisted with the formerly known e-Kasih database, and now re-branded as i-Suri by this June 30th, 2018. At present, there are about 359,065 registrants including divorced women and widows. To date, a total of 84,143 women had registered with i-Suri between Aug 15th, 2018 until last Feb 28, 2019.

The formula and mechanism of SURI is simple. Based on 2 % H + RM50 G formula, husbands are to transfer 2 percent points of their existing 11 per cent mandatory EPF contribution to their wife's EPF account. In turn, the government shall contribute RM50 per month or RM600 per year as a top up to the housewife account. The SURI

initiative would roll out in three phases. The first phase would start on August 15th, 2018 with housewives first. They need to save a minimum of RM5 monthly in their Employees Provident Fund (EPF) account, upon which the government would contribute RM40 monthly. According to the DPM, the RM5 represents their commitment, inculcates the nature of saving for their future and determination to raise their standard of living. In Phase Two, the government would by January, 2019 raise its contribution to RM50, where RM40 contribution would be kept in the SURI account and RM10 will go towards protection under SOCSO (Social Security) for housewives. The program will then progress to Phase Three where two per cent of the husband’s EPF of 11 per cent contribution will go to their wife’s account.

The above effort is very good and should be applauded. At any given time, being a housewife is a tiring, unfinished but satisfied full time job with no pay. Their job



scope are rather unspecified but inclusive of all with no time limit. Often, their rights and interests are overlooked or neglected. Thus, between the mundane tasks of housekeeping, raising and educating the children to providing support systems to the whole family unit, their contribution towards the family institutions and national economy are immeasurable. Yet, they bear great risk too. What is their security net as they grow older, become weaker or when their spouses are no longer around? The SURI gives them the much needed financial guarantee and a sense of protection. Hopefully the small gestures would consequently create a more equitable

family relations between spouses, sense of belonging within family institution and widen their family’s social safety and wellbeing.

The scheme is yet to be implemented. To date, the initial implementation plan has to be derailed a little bit to give the government rooms to iron out few technical and legal obstacles, especially concerning eligible recipients, distribution mechanism and legal infrastructure respectively. For example, there is a need to know if the payment is only meant to legally married couples only. As a multiracial and diversified country, there are growing numbers of unmarried but living together non-Muslim couples. As far as Muslim couples are concerned, it is still debatable whether SURI should be limited or extended to polygamous marriage. These small issues need specific attention to avoid the policy initiative from being construed as discriminative and in breach of human rights as guaranteed by the Federal Constitution. Could the housewives make open or in stages withdrawal from SURI

account? If so, would it not defeat the purpose of EPF's spirit, as retirement nest? Any form of early withdrawal would deplete the savings and may affect their financial security net and retirement comfort. How to ensure the said mechanism is not open to abuse? There is a possibility that husbands might "force" their wives to withdraw and return the money back to them.

The policy mandate could not stand alone on its own. It requires legal support to function properly and meaningfully. In the dynamic of policy-law relationships, law and the legal system largely serve as execution tools for government in enforcing any policy. Without the support of law instruments, a policy lacks that biting teeth, namely ability to force and to punish. Only law and not policy has the legal compulsion, jurisdictions and authority to force the public onto doing or abstain from doing something. Any failure to comply with the legal requirements would tantamount to legal infringement and offence, resulting to punishment. Depending on suitability, there is a wide range of available legal instruments starting from Constitutions to Standard Operational Procedure for government to choose in executing policy.

Legally, barriers presented by Employees Provident Fund Act 1991 (EPF) and Social Security Act 1969 (SOCSO) are currently standing between policy objective and policy implementation. These two statutory Acts shall stay as government's biggest obstacle unless resolved. The 11 percent of husbands' contribution is legally untouchable under Section 51 of the EPF Act 1991. The section clearly forbids anyone from assigning, transferring, attaching, sequestering, levying or claiming the money. This forbidden includes the official assignees! In brief, the money could never change hands. The only times the money can move are through Forfeiture Order by Courts of law under the Anti-Money Laundering, Anti-Terrorism Financing and Proceeds of Unlawful Activities Act 2001.

Tentatively, under EPF 2008 policy (amended 2015-EPF Enhancement Initiative 3) and in line with the provisions of Unclaimed Money Act 1965, the money could only be transferred to the management of Registrar of Unclaimed Money when the person reaches the age of 100, but has never make any withdrawal. It is true husband can withdraw the money but it is strictly subjected to certain circumstances as specifically outlined by the EPF Act. For instance, upon reaching retirement age, housing loan, medical purposes, repay PTPTN or leaving the country. Under no circumstances at all, could he give away the 2 % of his contribution to his wife as mandated by the government.

The second phase of SURI is an extension of social protection of Social Security Organization (SOCSO) Act 1969 to housewives. SOCSO which works like an insurance organization for all employees in Malaysia, is responsible in providing fund and benefits to all registrants in case of emergencies, injuries, or death. However none of the provisions of SOCSO Act 1969 is permissive to the above effect. In the current form and state of SOCSO



Act, it is impossible for the government to implement the Phase Two of SURI. Obviously there is a need for the government to make few legal changes to SOCSO Act 1969 and EPF Act 1991 before the SURI could become a reality.

The execution of policy at any level depends a lot on the availability of legal infrastructure and law instruments. Amendments of existing law instruments or enactment of new instruments would become a regular activity in accommodating such needs. It is much easier to amend policy provisions than legal provisions. Policy documents could be unilaterally developed, introduced, amended or withdrawn. The same principle could not be done to legal instruments and provisions. There are specific embedded legal process as enshrined in the Federal Constitution by which the government has to go through before a statutory Act could be successfully amended and the time taken might be lengthy.