

## MALAYSIA'S LAW ENFORCEMENT IN FACING COVID-19: AN ANALYSIS OF LEGAL PERSPECTIVE

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### ABSTRACT:

The pandemic's impact has been recorded worldwide due to the 2019 Corona virus. Similarly, in Malaysia, the sorrowful chapter began on March 18, 2020, due to the Covid-19 outbreak, leading to the execution of emergency orders declared by the Federal Government, and subsequently the enforcement of Emergency Ordinance laws in Malaysia. This paperwork discusses the actions by the Malaysian Government in addressing the impact of the COVID-19 pandemic through legal enforcement by the responsible ministries in implementing new norms for the daily lives of the Malaysian people. The relevant ministries involved are the Ministry of Health Malaysia, Ministry of Finance, Ministry of Education, Ministry of Human Resources, Ministry of Communications, Ministry of Science, Technology and Innovation, and the Ministry of Women, Family and Community Development, as well as related government organizations. This is a qualitative study through document analysis of academic journals and related articles. The main documents analysed are Acts, Guidelines, Policies, and Regulations enforced under each Ministry. The initial findings from the round table discussions (RTD) attended by representatives from each Ministry indicate several legal gaps, particularly in the implementation of standard operating procedures (SOPs) that are not effective. Any gaps or ambiguities that require improvement in ensuring the comfort of the Malaysian people in facing any future pandemic. The study suggests a more effective guideline, considering the Government's capabilities and the Malaysian people, so that it benefits all parties. The Covid-19 outbreak that has occurred in the folds of world history should serve as a lesson for us to be better prepared for the future, even though its challenges come in a different form from this current Covid-19 pandemic.

**KEYWORDS:** Covid-19, government, legal enforcement, guidelines, laws.

### INTRODUCTION:

The Malaysian government is always dedicated to carrying out its obligation to control the spread of the COVID-19 epidemic. As such, the government has made numerous attempts and adopting proactive steps based on the rule of law to reduce the curve of this epidemic infection by implementing tighter and more efficient legislation. Act 342 is Malaysia's main legislation for preventing and eradicating infectious disease outbreaks. However, this act requires stronger law enforcement support due to the exceptionally high infection rates at pandemic levels declared throughout an emergency state during COVID-19 which aims to control and reduce the infection and mortality rates caused by this outbreak. Authorities can indirectly support the more effective and efficient implementation and enforcement of laws through the YDPA execution of emergency proclamations and ordinances. Therefore,

implementing the emergency proclamation announced by the Malaysian government is a reasonable and well-founded action.

Coronavirus (novel coronavirus) is a new strain of virus that has not previously been recognised or detected in humans (Press Release of the Director General of Health Malaysia, 2020). The disease was caused by a novel coronavirus which is now labeled as severe acute respiratory syndrome coronavirus 2 (2019-nCoV), which was first identified in the Wuhan city, Hubei Province, China [1]. The virus has created an unprecedented public health crisis worldwide. According to Dr. Tedros Adhanom Ghebreyesus (the Director General of the World Health Organization (WHO)), as of April 10, 2020, Covid-19 has hit 213 countries with nearly 1,524,162 cases of infection and also 92,941 recorded deaths [2]. Covid-19 has caused a disruption in most human activities on a large and rapid scale like today which has never been experienced in the history of human civilization as mentioned by [3]. Consequently, the epidemic do not only caused fatality but also had an impact on economic growth, food supply crisis and loss of jobs that reached 190 million globally [4]. The virus was originally uncovered in Wuhan, China in December 2019 and was reported to the World Health Organization (WHO) on 31 December 2019 [2]. According to [5], in Malaysia, the transmission of the Covid-19 outbreak began on 25 January 2020 after several tourists from China traveling to Malaysia from Singapore were proven positive for the virus.

### METHODS AND METHODOLOGY:

This is a qualitative study by means of analysing documents. Both primary and secondary data that are used were obtained through library-based approach of books, legal documents and articles from academic journals and other cited online resources. In addition, all the primary and secondary data are assessed and interpreted using the content analysis approach.

### DISCUSSION AND ANALYSIS:

Every human being has the fundamental right to life, and this right must be protected by the law. The connection between the right to life, the right to well-being, and the right to development cannot be separated. In achieving a prosperous life, the legal, policy, and guideline aspects of a country are crucial to ensure its sustainability. This role must be carried out by every responsible ministry and agency. Among the legal, policy, and guideline aspects that are enforced from time to time, and based on the necessary requirements under implementation, monitoring and enforcement as follows:

#### (a) Ministry of Health

Both the Prevention and Control of Infectious Diseases (Measures within Infected Local Areas) (No 7) 2020 and Prevention and Control of Infectious Diseases Regulations (Local Infection Area Measures) (National Recovery Plan) 2021 are regulations under the Ministry of Health Malaysia. The regulations was made in harmony with the provisions under Section 11(2) of the Prevention and Control of Infectious Diseases Act 1988 [Act 342], which stipulates that the Minister may, through regulations made under this Act, determine the measures to control or prevent the spread of any infectious disease within or from any infected local area. The 2020 regulations apply to local infection areas declared under the Infectious Disease Prevention and Control Order, while the 2021 regulations stipulate that they apply to all infection areas, subject to specified phases. Based on the aforementioned regulations, any individual is prohibited from engaging in, promoting, facilitating, or otherwise being involved in any prohibited activities such as water theme park and water park activities, overseas travel, and organizing events and sports competitions. Individuals are also prohibited from entering or leaving places subject to tightened movement control orders. Rule 11 states that anyone who violates any provision from these regulations or any directive from the Director General or any authorized officer who makes an offense and may, upon conviction, be penalised of the amount not exceeding one thousand ringgit or restrained for a period not exceeding six months or both.

In addition, there are also regulations for the Prevention and Control of Infectious Diseases (Measures within Infected Local Areas) (National Recovery Plan) (Transition Phase to Endemic) 2022 which effective from April 2022. Different from the previous year's regulations, there is a specific provision regarding the requirement to use detection devices where Regulation 8 stipulates that any person who has been infected with Coronavirus 2019 (COVID-19), or any contact, must use any provided detection device if directed to do so. The guidelines also specify management of antiviral medication stock, such as requesting medication stock, storing medication, supplying medication by pharmacy personnel and disposing of stock.

Malaysia's Ministry of Health has also issued Circular Letter from the Director General of Health Malaysia Number 16 of 2022: Guidelines for the Expansion of the Use of Antiviral Covid-19 Treatment for Private Healthcare Facilities/Practitioners. This is aimed at enforcing the implementation of the Guidelines for the Expansion of the Use of Antiviral Covid-19 Treatment for Private Healthcare Facilities/Practitioners. Based on the circular, the

antiviral medication Paxlovid has been used in Malaysia since April 2022 to treat Covid-19 patients with mild to moderate indicators or in categories 2 and 3. Priority is given to extreme-risk Covid-19 patients. As such, the guidelines state that the administration of the medication has been extended to selected private facilities and it is also offered free of charge.

Circular Letter of the Director-General of Health Malaysia No. 14/2021 Notification of Home Monitoring Instructions for Covid-19 Cases Category 1 and Category 2 (Mild) Private Medical Practitioners stated that a total of 763 private practitioners (PPS) have received Appointment Orders under Section 3 of the Prevention and Control of Infectious Diseases Act. The appointment directive allows private medical practitioners to issue Home Surveillance Orders (HSO) for positive cases and close contacts of COVID-19, require them to wear monitoring bracelets, provide Release Letters from Home Surveillance Orders, and conduct monitoring at their residence. Private medical practitioners who do not have an Appointment Directive may only provide monitoring services at home for Category 1 Covid-19 positive cases or those with mild symptoms (Category 2).

The Ministry of Health Malaysia (MOH) has issued several guidelines related to Covid-19. One of them is the Guideline for Managing Suspected Covid-19 Deaths Outside of Hospitals During the Pandemic. It is provided as a reference and guide document for all parties involved, including Ministry of Health (MOH) employees, Royal Malaysia Police (PDRM), State Islamic Religious Departments (JAIN)/District Islamic Religious Offices (PAID), in overseeing the management of corpses during the COVID-19 pandemic. According to these guidelines, the PDRM will receive information on public deaths and conduct investigations. In this situation, Personal Protective Equipment (PPE) needs to be provided. If a Covid-19 related death is suspected, the police should contact the District Health Office (PKD). The PKD will conduct further investigation. If the deceased is not at risk for Covid-19, the case will be handed over to the police to issue a Burial Permit. However, if a death is suspected to be due to Covid-19, the District Health Office (PKD) must issue an Order for the Examination of the Body for Suspected Covid-19 Deaths. The body will be taken to the hospital and examined by a Medical Officer from the Department of Forensic Medicine. If it is confirmed positive for Covid-19, for Muslim deceased, the body is allowed to be washed and shrouded by trained mortuary personnel at the hospital, using complete Personal Protective Equipment (PPE), funeral prayers by JAIN/PAID and only two (2) beneficiaries with complete vaccination status and wearing PPE are allowed to participate in bathing and shrouding the body with trained mortuary handlers at the hospital. For bodies infected with COVID-19, the process of preserving the remains is prohibited and is not allowed to be exported or carried by air.

The MOH has also issued guidelines on health workers who tested positive for Covid-19 or have been confirmed as close contacts to the health workers. Based on the guidelines, after the fourth day of self-quarantine, officers who tested positive for Covid-19 must go through a Covid-19 test. If found positive, health officials will have to continue self-quarantine until the seventh day. However, if on the fourth day the RTK test is found to be negative, then the health officer is allowed to return to work on the condition of following the specified SOP. For officers who have been confirmed as close contacts, if they do not have symptoms, they are allowed to work as usual. If they display any symptoms, a Covid-19 test should be done immediately and repeated on the third day. If on the third day the test is negative and symptoms are no longer present, the employee may return to work. However, if symptoms persist on the third day, the employee must undergo a health assessment before being allowed to return to work.

The Guidelines for Covid-19 Management in Dental Health Services have also been issued, outlining the services that can be provided at dental facilities based on criteria set during the endemic phase of Covid-19. These guidelines emphasize proper ventilation systems and the use of personal protective equipment by healthcare personnel on duty. The guidelines also stipulate that all patients and their relatives in attendance must be screened for any symptoms, and patients will be treated according to their type and method of treatment based on patient categories. For asymptomatic patients, they may undergo all types of dental treatment, while for symptomatic patients and those who have tested positive for COVID-19, treatment is limited to emergency care only. Health personnel must also carry out four-handed dental treatments, ensuring that each nurse is assisted by at least one Dental Surgery Assistant. In the meantime, because senior citizens are at high risk of complications and death from COVID-19 infection due to age and chronic illnesses, the Ministry of Health has also issued guidelines specifically the guidelines to prevent and control of Covid-19 in Government, Private, and Non-Governmental Residential Care Centres for Senior Citizens Post-Movement Control Order. The guidelines were created with the purpose of providing guidance to senior care centre operators to prevent and control the risk of Covid-19 infection, and to ensure the residents' health remains at an optimal level. Care centre operators should ensure the practice of social distancing, place social distancing labels on the floor, and ensure that the premises are cleaned daily, regular and periodic disinfection should be carried out at least three times a day, and for areas exposed to positive COVID-19 cases, decontamination should be done immediately. Additionally, if there are residents with symptoms, they should be isolated promptly. And if there are fully dependent residents, handling should be done by the same staff and limited to one or two individuals. If sudden death occurs, the relevant party should refer to the Guidelines for Managing Suspected Covid-19 Deaths Outside the Hospital During the Pandemic.

Astro Awani [6] reported that the Ministry of Health Malaysia also proposed five new provisions and five amendments to the Infectious Diseases Prevention and Control Act 1988. The Ministry of Health made these proposed amendments to the act through Section 16 of the Emergency Ordinance (Prevention and Control of

Infectious Diseases) (Amendment) 2021. For proposed amendments, amendment to Section 2(1) is to broaden the interpretation of authorized officers, which currently is limited to Health Officers, Health Inspectors, and appointed officers. Amendment to Section 10 allows medical practitioners to disclose the presence of infectious diseases in any premises, even without confirmation of diagnosis through laboratory tests. Section 24(b) is amended by increasing the penalty to seven years' imprisonment or a fine not exceeding RM100,000, or both, considering the severity of a particular epidemic and the conduct of offenders from the large-scale industry [8]. Section 25 is amended by increasing the compoundable offense to not exceed ten thousand ringgits for individuals and not exceed fifty thousand ringgits for corporate bodies, which also allows officers, including statutory bodies or local authorities, to issue compounds for offenses [8].

The new proposal from the Ministry of Health also involves Section 14A, which grants authority to an officer to issue instructions related to the quarantine of COVID-19 patients or those suspected of being infected. Additionally, Section 15A allows for the use of modern technology to monitor the movement of infected or suspected individuals who are directed to undergo isolation or quarantine. The new provision in Section 21A addresses the issue of authority of the Director-General of Health, which is only specified under the Regulations of the Movement Control Order, allowing him to issue directives for the purpose of disease prevention and control under Act 342. Section 22A was established with the aim of allowing offenses committed under Act 342 to be charged against corporate bodies and enabling penalties to be imposed in the event of acts, omissions, negligence, or defiance by employees or agent employees during their employment or agency on behalf of others. Part IVA, on the other hand, was created to provide provisions regarding arrestable offenses and the power to arrest [7]. Section 31 is a new provision for the authority to impose penalties under Act 342 for any offenses not specified therein [8].

#### **(b) Ministry of Education**

The Ministry of Education Malaysia has issued a Guideline for Handling Covid-19 Incidents in the Ministry of Education Malaysia, providing explanations and guidance on the actions that Department Heads should take in the event of a Covid-19 incident in the Ministry/Department/Institution/Agency under the Ministry of Education Malaysia to control and prevent the spread of the outbreak. Based on the guidelines, employees being tested positive for Covid-19, employees who have been in close connection with a positive Covid-19 cases, supervisors, department heads, and KPM officers need to follow the established guidelines. These guidelines also provide a flowchart for handling Covid-19 incidents. First, when an employee is confirmed positive for Covid-19, they are prohibited from coming to the office and must undergo self-quarantine. Notification needs to be made to the Management Services Division (BKP) of the Ministry of Education. Furthermore, officers who test positive for Covid-19 must also list close contacts within a 14-day period. The office should be closed for one day for disinfection purposes. For supervisory officers, they need to prepare a Covid-19 incident report to be submitted to the Senior Management of the Ministry of Education. This report must be prepared within 24 hours. For employees who have close contact, they must undergo self-quarantine for 10 days and may request consideration to work from home from their supervisor or department head. Employees confirmed to have close contact may only come to the office if their Covid-19 detection test is negative on the eleventh day. The instructions or guidelines issued apply to all KPM employees, including contract appointment workers, MySTEP personnel and industrial training students.

The Ministry of Education Malaysia has also issued instructions such as Guidelines for the Management and Operation of Schools. Taking into consideration of the National Recovery Plan (PPN) as a preparatory measure for the reopening of schools for face-to-face learning. According to these guidelines, in the occurrence of a positive Covid-19 case or in the occurrence of a positive close contact, relevant individuals must be isolated in separate rooms and notification must be given to the District Health Office (PKD) for further advice and instructions. Precautionary actions includes wearing masks, adhering to social distancing and frequent hand washings are also emphasized. As for school closures, schools must receive advice and instructions from PKD as well as assist PKD in conducting risk assessments and identifying close contacts. If school is closed, relevant parties must inform the parents or guardians and the State Education Department. Schools are also required to place closure notices and school reopening dates at the school's main entrance.

The Malaysian Ministry of Education adhering to the advice of the Health Ministry has examined and reviewed several procedures for preventing the spread of Covid-19 and has issued the Covid-19 Transmission Prevention Guidelines for Educational Institutions of the Ministry of Education Malaysia on April 28, 2023. According to the guidelines, individuals with symptoms must undergo self-testing. If negative, it is necessary to attend the educational institution and it is encouraged to always wear a face-covering. If found positive, the individual does not need to attend the educational institution but must show proof of the Home Surveillance Order (HSO) to the administrators for record purposes.

#### **(c) Ministry of Science, Technology, and Innovation**

The Covid-19 Immunisation Task Force or CITF was established on the 3<sup>rd</sup> of February 2021. The minister of Science, Technology and Innovation coordinated the task force to ensure the efficient implementation of the National Covid-19 Immunisation Program or PICK in expediting the immunization process for the adult population in Malaysia. Throughout its implementation, the Energy, Science, Technology and Innovation Ministry has issued several guidelines for the smooth running of the CITF program. The first is the Vaccination Center Operation Guidelines at Places of Worship, issued in June 2021. According to these guidelines, the submission of a proposal

or implementation plan for vaccination centers at places of worship must be made at least 14 days prior to the implementation date, to the Federal CITF. Applicants must also submit their proposal to the Technical Approval Committee, which will assess and decide whether to approve or reject the application. If approved, the committee will inform the assessment results and recommend the proposal during the PPV Opening Committee Meeting. The PPV Opening Committee Meeting will approve the application, and an official letter will be issued. However, if the Technical Approval Committee does not approve, they will recommend improvement suggestions and present it again. As for the criteria for receiving the vaccine, the guidelines stipulate that it consists of members of the committee of the house of worship and the local community within 5 km of the selected location of the house of worship, pregnant women are not allowed, and individuals who are in the quarantine period are also not allowed. The injection room, observation station, and any enclosed room must be sanitized at least twice a day [9].

The second guideline is the Corporate Collaboration Management Guidelines and Contributions for the National Covid-19 Immunization Program (PICK). This guideline is created to ensure that PICK achieves its objectives by collaborating with individuals, non-governmental organizations (NGOs), and corporate organizations to ensure the success of the national agenda implementation. The guidelines specify the procedures for making contributions at the National Vaccination Centre, with contribution amounts below RM10,000 and exceeding RM10,000, and for Healthcare Organizations (HCO) under ProtectHealth Corporation Sdn Bhd. All contributions must be accompanied by a Letter of Intent (LOI) stating the duration of asset loan and the period for returning the goods to the Sponsor, as well as a Delivery Order (DO) as proof of receipt including the signed return receipt by the PPV management and any other related documents that require CITF's confirmation.

The Energy, Science, Technology and Innovation Ministry has also issued Guidelines for Central Vaccination Centres (PPV). These guidelines are for the management of PPV to ensure good indoor air quality and reduce the risk of infection and exposure to diseases caused by the SARS-CoV-2 virus. Based on these guidelines, PPV management must ensure that cleaning and sanitation are carried out according to the specified schedule, identifying contaminated air routes and closing off or blocking those pathways to ensure fresh, clean, and healthy airflow, as well as implementing air flushing with fresh air at least every 4 hours. Meanwhile, the Standard Operating Procedure (SOP) for Large-Scale Vaccination Centres is created as an additional guideline to the SOP for the Opening and Operation of Vaccination Centres (PPV) for Phases 2 and 3, aiming to assist in smooth planning and the implementation of vaccination at PPVs with Mega status under the National COVID-19 Immunization Program.

Among the other guidelines issued are the Guidelines for Assigning Non-Health Volunteer Roles at the Vaccination Centre under PICK, General Guidelines For Drive Through & Mobile Vaccine Administration Centres, Guidelines for Managing Vaccine Administration for Elderly Individuals Who Walk-in, Guidelines for Managing Vaccine Administration for Non-Citizens, Vaccine Monitoring Guidelines, and Standby List Preparation at the Vaccination Centre under PICK and so on.

#### **(d) Ministry of Finance**

The Malaysian Finance Ministry has issued several guidelines such as the guidelines for applications approval under subsection 44(11C) of the Income Tax Act 1967 for the Covid-19 Relief Fund. These guidelines serve to clarify the eligible categories of applicants/donors/contributors who qualify to contribute to the COVID-19 Relief Fund, which is established based on national interest and have been permitted by the minister of finance under Subsection 44(11C) of the Income Tax Act 1967. Among allowed contributions are cash contributions, equipment and consumable materials such as mask, test kit and hand sanitizer. The eligible recipients for donations by the Covid-19 Relief Fund are government departments or government agencies, non-government agencies listed with the Companies Commission of Malaysia, the Registrar of Societies Malaysia, and the Legal Affairs Division of the Prime Minister's Department, government hospitals or schools, elderly homes/orphanages/disabled persons, homeless/chronically poor/refugees, and animal shelters/zoo. Based on these guidelines, donors/contributors to the COVID-19 Relief Fund that are approved are eligible for income tax deductions, limited to the percentage as stipulated in the provision to subsection 44(11C) of the act for the relevant assessment year. It also specifies that if the approved COVID-19 Relief Fund is found to have violated the prescribed conditions, the Ministry of Finance reserves the right to revoke its approval at any time. And if the fund is dissolved and there is a balance in the bank account, for cash or equipment donations, it should be transferred to the National Disaster Management Agency or NADMA or to the Malaysian Ministry of Health. The fund should stay emptied (zeroed) and closed, and proof of transfer of cash or equipment balance to NADMA the Malaysian Ministry of Health and the emptied fund should be submitted for review to the Malaysian Finance Ministry.

The Ministry of Finance also presented Act 830 which is also known as the temporary measures for government financing (Coronavirus Disease 2019 (COVID-19)) (Amendment) 2021. The adjustment to the legislation is done to obtain approval to increase the spending ceiling under the Covid-19 Fund Group or also generally known as KWC-19 from RM65 billion to a whopping amount of RM110 billion. The amendment also increases the constitutional limit of debt from the current 60 percent of Gross Domestic Product (GDP) to 65 percent [10]. In terms of financial implications, the proposed legislation will involve additional government expenditure of RM45 billion.

A total of eight assistance packages and also economic incentive costing to about RM530 billion have been executed since the pandemic. According to the minister of finance (at that time), Tengku Datuk Seri Tengku Abdul Aziz, these include provisions through the PRIHATIN package amounting to RM16 billion, RM14 billion through the 2021 Budget, and additional allocations of over RM500 million under the PEMERKASA Tambahan package. Additionally, there was also the Prihatin Nasional aid totalling RM18 billion, which benefited 11 million recipients. The initiative is sustained under the PEMULIH package via three additional cash supporting programs such as Bantuan Prihatin Rakyat, Bantuan Khas COVID-19, and Bantuan Kehilangan Pendapatan. Meanwhile, the Malaysian government has also allocated over RM200 million for the Food Basket Assistance program, and under the Penjana Kerjaya 20 initiative, more than 141,000 individuals have successfully found employment, while over 39,000 people have secured jobs through the short-term employment package or MySTEP. Additionally, as of the 30<sup>th</sup> of June 2021, the MySTEP package also proposes earnings between RM1,400 per month and RM2,000 per month [11].

Following the previous mentioned incentives, the Malaysian government on 27<sup>th</sup> of March 2020 implemented the repayment deferment or moratorium was automatically approved, according to the Prime Minister at that time, Tan Sri Dato' Haji Muhyiddin bin Yassin. According to him, the moratorium was implemented as a measure to ease the burden on the people in repaying their financing while they recover their economic situation affected by COVID-19 [12].

#### **(e) Ministry of Communications**

Astro Awani [6] reported that Malaysia has promulgated the ordinance (No 2) 2021 or the emergency (essential powers), which came into effect on 12 March 2021, to combat the production and dissemination of false news. This ordinance specifically aims to curb the fabrication and spread of false broadcast related to Covid-19 or broadcast related to the state of disaster [13]. This ordinance which is under section 4 provides that any false news production process, causing fear or anxiety to the public, if convicted, may be penalized not exceeding RM100,000, or imprisoned for not more than three years or both. According to Section 5 of the Ordinance, an individual who is found to be channeling financial assistance, whether directly or indirectly, to aid in the production of false news can also be charged. If convicted, they may be penalized up to RM500,000, confined for up to six years, or both [6]. Any individual who defies the directive to remove false news may also be fined up to RM100,000 if found guilty. In the meantime, according to a statement from the Ministry of Communications Malaysia (2021), the Ministry of Communications and several involved agencies have taken proactive measures to control the distribution of fake broadcasting, particularly in the context of the COVID-19 news, including monitoring by the rapid response team since March 2020 [14].

The MCMC also issues Guidelines and Preventive Measures for Licensed Postal Service Providers under the Postal Services Act 2012. According to these guidelines, for safe delivery methods, every delivery procedure must be carried out by limiting contact to avoid the risk of infection. Counter staff should also always wear a face mask and business premises should display the Covid-19 guidelines issued by KKM as guidance for customer.

The portal 'Sebenarnya.my' is also updated with accurate information regarding the 2019-nCov outbreak and counters false news that is rampant on the internet. The 'Sebenarnya.my' portal developed by the Malaysian Communications and Multimedia Commission or MCMC serves as a central hub for Malaysian citizens to verify the authenticity of online content received over instant messaging services, blogs, social media platforms, websites, and other previously shared sources. Citizens can obtain information about the 2019-nCov outbreak directly under the category 'Coronavirus 2019 N-Cov' on the portal [14].

For the second phase of the national recovery plan, the Ministry of Communications and Multimedia issued a media statement dated July 20, 2021, stating that the approval for film filming activities in phase two is guided by the implementation of the tightened conditions under the Filming Bubble Protocol (PREP). The PREP initiative is a comprehensive control of filming activities that operate within isolated, controlled, and limited bubble zones, in accordance with the main conditions under the approval of the Special Film Production Certification (SPP Khas) from FINAS. Among the stipulated conditions is that only permitted categories for continuing filming are drama, advertisements, and documentaries that were previously suspended due to the execution of the movement control order or more known as MCO throughout the National Recovery Plan, filming activities can only be conducted in states that are in phase two status, and only at outdoor filming locations or premises. Approval will only be granted to production personnel who have finished two doses of the COVID-19 injection, undergone health screenings before, during, and after filming, and appointed a Filming Protocol Supervisor (FPS) by the responsible production team for compliance with all SOPs set by the government. The Ministry also implements the Creative Industry Stimulus Package Malaysia (PRISMA), which is a crucial short-term initiative to support the sustainability and preservation of creative practitioners and players in Malaysia, in line with the adoption of new norms following the outbreak and in compliance with the MCO in force [15].

#### **(f) Ministry of Women, Family and Community Development**

The Malaysian Women, Family and Community Development Ministry (KPWKM) has provided guidelines to restraint Covid-19 transmission after the Movement Control Order for the safety of childcare centers. These guidelines are developed as a reference for daycare operators to take precautionary measures in curbing the spread of Covid-19. Based on the developed guidelines, there are several aspects that have been outlined, such as pre-

operational aspects of the childcare centre, rules before sending children to the childcare centre, rules during children's time at the childcare centre, and rules when picking up children from the childcare centre. The guidelines also specify several steps to be taken if a positive Covid-19 case is detected, including immediate closure of the childcare centre, without disclosing the identities of staff or children or parents who are infected, should disinfect according to the guidelines of the Ministry of Health and consult with the nearby Health Office for advice. Childcare centres should also only operate when cleanliness and safety standards are adhered to and have obtained approval from the District Health Office which is stated in the Guidelines [16].

KPWKM through the Department of Social Welfare (JKM) has also issued several other guidelines. The first is the Guidelines for Preventing the Transmission of Covid-19 in Registered Care Centers (Residential and Daily). These guidelines serve as a reference for preventing the spread of COVID-19 to registered care center operators, whether residential or daily. The guidelines outline the necessary steps to be taken by care center operators in three aspects, namely before, during, and after the operation. If there is a sick occupant, they must be isolated, given a face mask, and quarantined. In addition, if there is a case in the neighbourhood, guidelines stipulate that no new occupants can be accepted, and any occupant who is unwell should be considered a possible COVID-19 case until they receive medical advice and arrange for ambulance services to move the occupant who is suspected of being infected should go to the nearest hospital, and those who are symptomatic must wear a face mask.

KPWKM also released a guideline for prevention and control of Covid-19 infections. The guideline concentrates on the management of cases in the social welfare department. It was established to provide guidance on Covid-19 infection health management for staff of the Social Welfare Department of Malaysia (JKMM), Social Welfare Department for the state (JKMN), District Office of Social Welfare (PKMD), and institutions when dealing with department clients. There are also guidelines for preventing and controlling of Covid-19 Infections for Social Services in the Social Welfare department being issued. These guidelines define an outbreak as a situation in which at least one staff/member/resident or participant has been confirmed positive for Covid-19. In the event of an outbreak, the premises must be immediately closed, the District Health Office (PKD) must be informed, visitors are not allowed, and the premises can only operate with approval from the PKD.

#### **(f) Ministry of Human Resources**

The Human Resource Ministry provides guidelines regarding quarantine instructions, work cessation, authorisation of leave eligibility, and wellbeing screenings among workers throughout the COVID-19 pandemic. These guidelines are stipulated under the Employment Act 1955, specifically Section 60F and also Section 60E (1B). Employers who fail to comply with these guidelines in managing COVID-19 transmission in the workplace may be subject to penalties under the 1955 Act of Employment. In addition, the Human Resource Ministry has also issued guidelines for managing issues in relation to the transmission of the Covid-19 Outbreak in the workplace. These guidelines outline several provisions within the Employment Act 1955 that can be applied following Covid-19 transmission. Firstly, Section 60F requires employers to instruct workforce to promptly seek health inspection by any health officer using the company's expense. Employers must offer compensated sick leave or hospitalization benefits during the medication period in the hospital for patients verified with symptoms of COVID-19. For employees instructed to isolation beyond the entitled sick leave or hospitalization period, they are urged to provide extra payment facilities to maintain harmonious relations between employees and employers. The same guidelines also state that employers who do not permit paid sick leave are considered as a violation under Section 60F [17].

The second is Section 60E(1B). According to Section 60E(1B), employees being ordered to isolate or placed under home surveillance cannot be compelled to use their yearly leave throughout that period, as annual leave is the employees' right as stated in the Guidelines for Managing Issues Associated to the Transmission of the Covid-19 Outbreak in the Workplace. Employers also cannot forbid employees from coming to the work place without a quarantine order or a order of supervision and observation issued by a registered health practitioner to the employee. However, employers can instruct any unwell employees not to attend work and allow paid leave for those employees (Guidelines for Managing Issues Related to the Transmission of the Covid-19 Outbreak in the Workplace). The guidelines also state that if there are circumstances leading to a decline in business that results in employers taking action to reduce workforce or terminate employees, employers must refer to the Guidelines on Employee Termination Management that have been established. However, the Ministry of Human Resources emphasizes that terminating employees should be the last resort for employers, and the ministry will not compromise with any party that arbitrarily terminates employees without following the applicable legal procedures [5]. Following the spread of COVID-19, JTKSM has established a monitoring room at the department level to record information related to such actions in Peninsular Malaysia and to monitor labour-related situations affected by the outbreak.

The 2019 Minimum Housing and Workers' Facilities (Amendment) Act (Act 446) pertains to the provision of housing, accommodation, and health facilities for workers by employers across all sectors. This act was enforced on 1<sup>st</sup> of June 2020 to avoid the spread of COVID-19 among foreign workers in all sectors. As per the Official Website of the National Security Council, accommodation facilities for workers must adhere to the specified standards established to prevent employers from being fined. This is because several cluster cases have been detected in construction sites in Kuala Lumpur, indicating that foreign workers are at risk of being infected with COVID-19 due to the practice of overcrowding or lack of cleanliness in residential units (Official Website for the National

Council of Security). The latest adjustment to the act applies to all sectors of employment which provides housing and accommodation facilities for employees whereas previously the Act only covered aspects of housing and accommodation for workers in the plantation sector which exceeded 20 acres (eight hectares) and mining only.

Act 446 establishes regulations, namely the Minimum Standard Regulations for Housing, Accommodation, and Worker Facilities (Accommodation and Central Accommodation) 2020. According to these regulations, a dormitory bedroom must be 30 square meters for one worker, while other areas must be 36 square meters for one worker. Basic facilities required include a bed, a mattress of at least 4 inches thick, a pillow, a blanket, and a lockable wardrobe of at least 0.35 meters in length, 0.35 meters in width and 0.9 meters in height.

The Human Resource Ministry has issued a media statement regarding the obligation of employers to guarantee that foreign workers undergo the screening of Covid-19 and adhere to the quarantine laws under Act 1988 of the prevention and control for infectious diseases [Act 342]. The Human Resource Ministry also conducts continuous inspections to ensure that employers comply with the directive to conduct Covid-19 testing and quarantine for foreign workers. Employers who fail to comply with this directive may be fined up to RM 1000 or confinement for an extent not exceeding six (6) months or both. Employers can also be fined. In addition, the ministry is also allowed to take legal action if employers fail to comply with the provisions under Act 342 and Regulations of the Act [18].

Consequently, the regulation for prevention and also control of infectious diseases for local infection area measures under the 2021 National Recovery Plan under Regulation 11 stipulates that, in order to prevent and control the spread of Covid-19 in the workplace, an authorized officer may direct any employer who hires a foreign worker to ensure that the said foreign worker undergoes Covid-19 screening tests, and the employer must bear the cost, expenses, or fees for the test. This means that the employer is responsible for ensuring that foreign workers undergo Covid-19 screening. Regulation 17 stipulates that anyone who violates any provisions of these regulations causes a crime and, upon conviction, can be fined not exceeding RM50,000 or sentence to prison for a period not surpassing six months, or both.

#### CONCLUSION:

In conclusion, the Malaysian government's tighter and precise enforcement is not designed to penalise or burden the people. The major goal is to promote awareness in the Malaysian community so that people are attentive to follow the directions that have been published. The implementation aims to safeguard the Malaysian community from the violent danger of this pandemic, as stated in the law, which is to save lives.

#### 5) Acknowledgements:

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