



## Overcrowding in Malaysian Prisons: Are Private Prisons the Answer?

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### ABSTRACT

*This study examines public perceptions of the proposal to establish private prisons in Malaysia, focusing on prison overcrowding as a primary driving factor. The issue of overcrowding has long been a major concern for Malaysia's correctional system, raising questions about alternative solutions to manage inmate populations effectively. Given the ongoing debate surrounding prison privatization, this study aims to explore public attitudes, acceptance levels, and perceived effectiveness of private prisons in addressing this issue. A quantitative exploratory research method was employed, involving 2,014 respondents who participated in a structured questionnaire survey. The questionnaire comprised 56 questions across seven sections, using a six-point Likert scale to measure responses. To ensure data reliability, a pilot test was conducted, yielding Cronbach's Alpha values between 0.78 and 0.87, indicating good internal consistency and reliability in measuring public perceptions. The findings reveal that 80.98% of respondents recognize Malaysia's prison overcrowding issue (Mean = 2.69, SD = 1.45), with a statistically significant awareness level ( $t$ -Test = -9.59,  $p < 0.05$ ). However, only 53.93% of respondents agree that overcrowding needs urgent attention (Mean = 3.31, SD = 1.62), suggesting that while the issue is acknowledged, public concern varies in terms of urgency. Support for private prisons as a solution to overcrowding remains moderate and divided, with 54.97% of respondents in favour of their establishment (Mean = 3.42, SD = 1.58) and 50.49% believing in their effectiveness (Mean = 3.57, SD = 1.61). Although  $t$ -Test values confirm statistical significance ( $p < 0.05$ ), public scepticism persists, indicating concerns regarding costs, accountability, and ethical implications of private prisons. Overall, while prison overcrowding is widely recognized, support for private prisons is neither overwhelming nor entirely rejected. The findings suggest that further public engagement, policy analysis, and feasibility studies are necessary to assess whether private prisons can be a viable solution to Malaysia's correctional challenges. Future research should also explore alternative approaches, such as sentencing reforms, rehabilitation programs, and community-based corrections, to ensure a comprehensive and ethical strategy for managing the nation's prison system.*

**Key Words:** Overcrowding, Inmate, Private Prison, Public Perception, Malaysia.

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### 1. INTRODUCTION

The proposal to establish private prisons in Malaysia is driven by three major challenges, one of which is prison overcrowding. Countries that have implemented prison privatization have reported significant benefits, including cost efficiency, reduced government expenditure, improved management practices, and more effective inmate rehabilitation (Hyde et al., 2022; Thielo et al., 2019). Given these potential advantages, the establishment of private prisons in Malaysia should be considered as a possible solution to the overcrowding crisis. However, this initiative requires thorough examination, involving input from various social, legal, and political stakeholders to ensure a well-informed decision (Pavić, 2021; Burkhardt, 2017).

On November 22, 2019, the Malaysian government announced its willingness to explore the idea of private prisons as a means to address the issue of prison overcrowding. At that time, 74,000 inmates were housed in correctional facilities across the country, far exceeding the official capacity of 52,000 inmates. This proposal sparked widespread reactions from legal practitioners, NGOs, politicians, academics, and community leaders, with the

majority opposing the idea. Their opposition, however, appears to be based largely on assumptions and limited understanding, as there is very little research and academic discussion on private prisons in Malaysia.

Recognizing this gap, the present study aims to gather public opinions and arguments regarding the feasibility and necessity of establishing private prisons in Malaysia as a solution to the persistent problem of prison overcrowding. Through empirical research, this study seeks to contribute to a more informed debate on whether private prisons can serve as an effective and ethical approach to Malaysia's correctional system.

## **2. LITERATURE REVIEW**

In 2023, Malaysia's prison population increased to 72,437 inmates (Institute for Crime & Justice Policy Research, 2023). Over a five-year period (2018–2023), the number of prisoners grew by 22.2%, equivalent to an increase of 13,159 individuals. During the COVID-19 pandemic (2020–2021), the inmate population further rose by 4.1%. The country previously recorded its highest surge in inmate numbers (50.8%) in 2004, compared to the previous year. However, in 2005, the prison population dropped by 17.9%, marking the largest reduction recorded between 2000 and 2023.

According to the Institute for Crime & Justice Policy Research (2023), Malaysia's prison system has a maximum capacity of 65,762 inmates, yet the actual number of prisoners in 2023 reached 72,437. This results in a 110.2% occupancy rate, indicating severe overcrowding in correctional facilities. Furthermore, in a separate report, the Malaysian Prisons Department (February 3, 2023) revealed that the number of inmates exceeded the maximum capacity allowed under international standards by 4,200 prisoners, or 36.0%.

The worsening overcrowding in Malaysia's prisons has significantly increased operational costs, particularly in areas such as facilities, healthcare, food supply, security, inmate transportation, and staff salaries (Hasnah et al., 2018; Haslinda et al., 2018). In 2022, the Minister of Home Affairs disclosed that RM5.5 billion had been spent on prison operations over the past five years, averaging RM1.09 billion annually. This expenditure is equivalent to the operational budget of two public universities in Malaysia (Hasnizam et al., 2021). If RM1.09 billion were instead allocated to higher education, it could yield substantial benefits, including the production of skilled graduates, the development of a professional workforce, and the growth of a thriving academic community (Siti Aisyah & Mohd Shahid, 2022).

The rise of private prisons in the 1980s was primarily driven by neoliberal economic policies, as governments sought cost-effective solutions to prison overcrowding and rising correctional expenses (Gaes, 2008; Mukherjee, 2015). Private prisons are often promoted as a "shared benefit" model, where the government collaborates with private entities to manage correctional facilities more efficiently (Liu et al., 2024; Burkhardt, 2019). The first modern private prison was introduced in 1984, with the establishment of the Corrections Corporation of America (CCA)—now known as CoreCivic (Gotsch & Basti, 2018; Young, 2020). The core rationale behind private prisons is to reduce overcrowding, alleviate government spending, and provide correctional services at a lower cost to taxpayers (Bryant, 2022; Johnson, 2006).

According to the U.S. Department of Justice (2016), private prisons are contracted correctional facilities operated by private companies on behalf of the government. Blakely & Bumphus (2004) and Cheung (2004) further define private prisons as facilities contracted by governments to house inmates in exchange for financial compensation, typically on a daily or monthly basis. These facilities are also referred to as contract prisons, as private companies must bid competitively to secure partial or full government contracts for correctional services (Rynne & Harding, 2016; Kim, 2022).

From a broader perspective, prison privatization has been advocated as a solution to overcrowding while also contributing to national economic efficiency, societal well-being, and inmate rehabilitation (Duus-Otterström & Poama, 2024; Mamun et al., 2020). Supporters argue that privatization enhances cost efficiency, improves prison services, and reduces bureaucratic inefficiencies, aligning with the principles of free-market economics and limited government intervention (Vilher, 2017; Pfaff, 2020). From a utilitarian standpoint, which evaluates the morality of actions based on their consequences, proponents assert that private prisons demonstrably lower costs and offer superior rehabilitation programs compared to public prisons. Therefore, they argue that the existence of private prisons is both economically and ethically justifiable (Morenoff & Harding, 2014; Visher & Travis, 2003).

While private prisons have been promoted as a solution to prison overcrowding and rising correctional costs, concerns remain about accountability, transparency, and human rights standards. Research has shown that private prisons, in some cases, prioritize profit margins over inmate welfare, leading to cost-cutting measures that may compromise safety, rehabilitation programs, and healthcare services (Harding, 2017; Mason, 2013). Additionally, studies have revealed higher recidivism rates among inmates in private prisons compared to those in public facilities, as private institutions may have fewer incentives to invest in rehabilitation programs that reduce inmate returns (Mukherjee, 2015; Allen et al., 2019.). These concerns highlight the need for robust oversight mechanisms to ensure that privatized correctional facilities meet ethical and legal standards while maintaining efficiency.

Another challenge is the potential legal and contractual complexities associated with outsourcing correctional services. Governments that enter into long-term contracts with private prison operators must navigate complex legal frameworks to ensure compliance with national and international human rights obligations (Gunderson, 2022; Rynne & Harding, 2016). Furthermore, the privatization of correctional facilities raises questions about accountability, as private companies may not be held to the same level of public scrutiny and legal responsibility as government-run prisons (Kim, 2022; Liu et al., 2024). Without clear regulatory guidelines, private prison operators could engage in cost-driven decision-making that may not align with broader justice system objectives, such as rehabilitation and reintegration into society.

This study employs a quantitative exploratory research method to examine public attitudes and opinions regarding the proposal to establish private prisons in Malaysia. A quantitative approach was chosen because it allows for measurable and objective research outcomes, making it particularly suitable for studying a relatively unexplored issue (Pandey & Pandey, 2015). This method provides a systematic, reliable, and generalizable framework for assessing public perceptions of this complex topic (Walliman, 2006). To collect data, the study utilized a structured questionnaire, which ensures a well-organized and effective approach to gathering representative, reliable, and meaningful information (Singh, 2006). The questionnaire serves as a key tool in understanding public views, identifying underlying concerns, assessing confidence in institutions, and gauging public acceptance of private prisons.

The questionnaire consists of 56 questions, divided into seven sections, and employs a 6-point Likert scale to allow respondents to express their level of agreement or disagreement with specific statements. The use of this scale enhances data accuracy and response quality, as it encourages respondents to carefully consider their answers before responding (Creswell & Clark, 2017). To ensure reliability, a pilot test was conducted, yielding Cronbach’s Alpha values ranging from 0.78 to 0.87, which indicates good reliability. These results confirm that the questionnaire is internally consistent and effectively measures the theoretical concepts being studied.

The study was conducted over a period of three months, from October 1, 2024, to December 31, 2024, using a structured questionnaire administered via Google Forms. A total of 2,014 respondents, all aged 18 years and older, voluntarily participated in the study. The sample size effectively represents public opinion, contributing to a comprehensive understanding of prison overcrowding and how Malaysians perceive the idea of private prisons as a potential solution to this issue.

**3. FINDING AND DISCUSSION**

From Table 1, the data reveals key insights into public awareness and opinions regarding prison overcrowding in Malaysia and the potential role of private prisons as a solution. The findings indicate varying levels of agreement with these issues, reflecting both concerns and uncertainty about the effectiveness of private prisons.

**Table 1: Public Perception of Prison Overcrowding and Private Prisons**

	<b>Perception</b>	<b>%</b>	<b>Mean</b>	<b>SD</b>	<b>t-Test</b>	<b>Sig.</b>
1.	I am aware that the country is experiencing prison overcrowding issues.	80.98	2.69	1.45	-9.59	p<0.05
2.	I believe that the issue of prison overcrowding needs to be addressed urgently.	53.93	3.31	1.62	8.59	p<0.05
3.	I support the establishment of private prisons in	54.97	3.42	1.58	11.93	p<0.05

	Malaysia to overcome the problem of prison overcrowding.					
4.	I believe that private prisons can solve the problem of prison overcrowding.	50.49	3.57	1.61	15.89	p<0.05

A significant majority (80.98%) of respondents acknowledge that Malaysia is experiencing prison overcrowding issues, with a mean score of 2.69 and a standard deviation (SD) of 1.45. The negative t-Test value (-9.59, p<0.05) suggests a statistically significant awareness level, indicating that respondents are well-informed about the problem. This high level of awareness may stem from media coverage, government reports, or personal experiences. Prison overcrowding has been extensively documented as a critical issue worldwide, leading to deteriorating prison conditions, increased violence, and limited rehabilitation opportunities (Trabsky & Jones, 2024; Craig, 2024). Fair & Walmsley (2021) further highlights that overcrowding results in inhumane living conditions, inadequate medical care, and heightened stress levels among prisoners, exacerbating criminal behavior rather than rehabilitating offenders.

Despite this widespread awareness, only 53.93% of respondents agree that overcrowding needs urgent attention, with a mean score of 3.31 and an SD of 1.62. The positive t-Test value (8.59, p<0.05) confirms the significance of this perception, yet the moderate agreement level suggests that not all respondents perceive it as an immediate priority. Public urgency may be influenced by various factors, including government policies, media narratives, and personal exposure to the issue. Research suggests that concern over prison conditions fluctuates based on political discourse and media attention (Freemon, 2024; Mamun et al., 2020). Furthermore, while overcrowding is a serious concern, many individuals may prioritize other societal challenges, such as healthcare, education, and economic stability, over prison reform (Frost et al., 2019; Sampson & Matthews, 2021).

Support for private prisons as a solution to overcrowding remains moderate, with 54.97% of respondents expressing agreement. The mean score of 3.42 and an SD of 1.58 indicate that opinions are divided. The positive t-Test value (11.93, p<0.05) signifies statistical significance; however, public skepticism persists. Concerns surrounding privatization—including cost efficiency, operational effectiveness, and ethical considerations—continue to generate debate. Pratt & Maahs (1999) argue that while private prisons claim to reduce costs and enhance efficiency, the evidence remains inconclusive. Some studies highlight potential cost savings due to reduced labor expenses and operational flexibility (Pozen, 2004), whereas others suggest that these savings often come at the expense of inmate welfare and rehabilitation programs (Chirakijja, 2024). Public hesitation may reflect these conflicting findings, as issues of accountability, transparency, and prisoners' rights remain central to discussions on prison privatization.

Similarly, 50.49% of respondents believe that private prisons can effectively address overcrowding, with a mean score of 3.57 and an SD of 1.61. The t-Test value (15.89, p<0.05) indicates a statistically significant belief in their effectiveness, though overall support remains moderate. Harding (2001) suggests that while private prisons may provide short-term relief for overcrowding, their long-term sustainability relies heavily on regulatory oversight and human rights compliance. Additionally, scholars such as Cheung (2004) and Hallett (2006) warn that privatization could encourage mass incarceration, as private prison companies have financial incentives to maintain high occupancy rates. This raises ethical concerns about whether private prisons prioritize rehabilitation or profitability.

Given these findings, private prisons may offer temporary relief but do not present a comprehensive or sustainable solution to Malaysia's prison overcrowding crisis. The moderate public support, financial concerns, ethical dilemmas, and sustainability challenges suggest that privatization should not be the primary approach. Instead, a combination of sentencing reforms, alternative rehabilitation methods, and improved public prison management may provide a more effective and ethical strategy for addressing overcrowding.

Evidence from various countries suggests that rehabilitation programs and community-based corrections can be more effective in reducing recidivism and easing prison overcrowding than privatization. Research demonstrates that inmates who participate in educational and vocational training programs during incarceration are significantly less likely to reoffend (Sampson & Matthews, 2021). Norway, for example, has one of the lowest recidivism rates in the world due to its emphasis on rehabilitation rather than punitive incarceration (Pratt, 2022). Malaysia could adopt similar policies, prioritizing rehabilitation and reintegration initiatives that equip inmates with the necessary skills for successful societal reintegration.

Many developed nations have shifted away from the privatization model due to concerns over accountability and effectiveness. The United Kingdom, for example, has encountered numerous issues with private prison contracts, leading to scrutiny over their financial and ethical viability (Burkhardt, 2024; Pfaff, 2020). Similarly, research from the United States indicates that private prisons often fail to deliver cost savings and, in some cases, result in higher recidivism rates due to reduced rehabilitation efforts (Budd, 2024). Considering these findings, Malaysia should carefully assess the global experiences and challenges associated with private prisons before fully adopting this model as a solution to its overcrowding crisis.

#### **4. CONCLUSION**

The finding suggests that while private prisons may offer a temporary solution to Malaysia's prison overcrowding crisis, they are not a sustainable or comprehensive remedy. The moderate level of public support, coupled with financial concerns, ethical challenges, and long-term sustainability issues, indicates that privatization should not be the primary approach. Instead, a well-rounded strategy that includes sentencing reforms, alternative rehabilitation programs, and improved management of public prisons is more likely to address overcrowding effectively while ensuring ethical treatment and rehabilitation of inmates.

Global experiences indicate that rehabilitation-focused correctional systems have a stronger track record in reducing recidivism and alleviating prison overcrowding. Countries such as Norway have demonstrated that investment in education, vocational training, and reintegration programs can create a more rehabilitative justice system. Furthermore, developed nations like the United Kingdom and the United States have faced considerable challenges with private prison models, reinforcing concerns about accountability, cost efficiency, and human rights violations. These lessons serve as critical reference points for Malaysia when evaluating its options for prison reform.

Ultimately, Malaysia should prioritize evidence-based policies that balance cost efficiency, ethical considerations, and the long-term goals of its correctional system. While private prisons might serve as a supplementary measure, they should not overshadow efforts to enhance the transparency, effectiveness, and fairness of the country's prison system. A comprehensive reform approach, grounded in justice and rehabilitation, will provide the most effective and ethical path forward for addressing prison overcrowding in Malaysia.

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