

Overcrowding in Malaysian Prisons: Exploring Alternatives to Privatization

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Abstract – This study investigates public perceptions of the proposal to establish private prisons in Malaysia, with prison overcrowding identified as the primary driving concern. Overcrowding has long posed a critical challenge for Malaysia's correctional system, raising debates on the most effective and ethical strategies for managing inmate populations. Against this backdrop, the study explores public attitudes, acceptance levels, and perceived effectiveness of private prisons. A quantitative exploratory design was adopted, involving 2,014 respondents who completed a structured questionnaire consisting of 56 items across seven sections, measured on a six-point Likert scale. A pilot test confirmed reliability, with Cronbach's Alpha values ranging from 0.78 to 0.87. The findings indicate that 80.98% of respondents acknowledge the overcrowding problem ($M = 2.69$, $SD = 1.45$), with awareness levels statistically significant ($t = -9.59$, $p < 0.05$). However, only 53.93% agree that the issue requires urgent intervention ($M = 3.31$, $SD = 1.62$), reflecting mixed views on the immediacy of action. Support for private prisons is similarly moderate: 54.97% favour their establishment ($M = 3.42$, $SD = 1.58$), and 50.49% believe they would be effective ($M = 3.57$, $SD = 1.61$). While t -test results confirm statistical significance ($p < 0.05$), persistent scepticism remains, particularly regarding cost, accountability, and ethical implications. Overall, the findings suggest that although overcrowding is widely recognized, public support for private prisons is cautious and divided. Policymakers should therefore undertake broader consultations, policy analyses, and feasibility assessments before moving forward. Future research should also consider alternative strategies, including sentencing reforms, rehabilitation initiatives, and community-based corrections, to ensure a more comprehensive and ethical approach to addressing Malaysia's correctional challenges.

Keywords: private prisons, prison overcrowding, public perception, correctional reform, Malaysia

INTRODUCTION

The proposal to establish private prisons in Malaysia arises from pressing challenges within the correctional system, most notably the issue of prison overcrowding. Globally, prison privatization has been promoted as a means of achieving greater efficiency, reducing government expenditure, enhancing institutional management, and improving inmate rehabilitation outcomes (Hyde et al., 2022; Thielo et al., 2019). These potential advantages have encouraged policymakers in various jurisdictions to consider privatization as a viable alternative to state-run facilities. Nevertheless, the prospect of introducing private prisons is complex and requires careful scrutiny, particularly in relation to Malaysia's unique socio-legal and political context. Input from diverse stakeholders – including government agencies, legal experts, civil society organizations, and the general public – is crucial to ensure that any decision is well-grounded and ethically sound (Pavić, 2021; Burkhardt, 2017).

In Malaysia, interest in this policy direction became evident when, on November 22, 2019, the government announced its willingness to explore private prisons as a response to overcrowding. At that time, approximately 74,000 inmates were confined within facilities designed for a maximum capacity of only 52,000. This substantial gap underscored the urgency

of reform but also ignited intense debate. Reactions from legal practitioners, non-governmental organizations, political leaders, academics, and community representatives were swift and largely critical. Opposition to the proposal, however, often appeared to stem from assumptions or general concerns rather than grounded empirical evidence, as scholarly discourse and systematic research on prison privatization in Malaysia remain limited.

Recognizing this gap, the present study seeks to examine public perceptions of private prisons as a possible strategy to address Malaysia's chronic overcrowding problem. By adopting an empirical approach, this research aims to capture levels of awareness, acceptance, and perceived effectiveness among citizens, thereby contributing to a more balanced and evidence-based discussion. Ultimately, the study intends to assess whether private prisons can represent a feasible, effective, and ethical option for reform, or whether alternative measures—such as sentencing reform, rehabilitation initiatives, and community-based corrections—should be prioritized in shaping Malaysia's correctional future.

LITERATURE REVIEW

Prison overcrowding has become a persistent and complex issue in Malaysia's correctional system. In 2023, the country's prison population rose to 72,437 inmates (Institute for Crime & Justice Policy Research, 2023). This marks a 22.2% increase over a five-year period (2018–2023), equivalent to an additional 13,159 individuals. During the COVID-19 pandemic (2020–2021), the situation worsened, with the inmate population growing by 4.1% despite widespread public health restrictions. Malaysia has also recorded extreme fluctuations in incarceration rates in the past; in 2004, prisoner numbers surged by 50.8% compared to the previous year, while 2005 witnessed the sharpest decline of 17.9% between 2000 and 2023. These shifts demonstrate the volatility of the prison population and the structural challenges of maintaining balance in correctional management.

According to the Institute for Crime & Justice Policy Research (2023), Malaysia's prison capacity stands at 65,762 inmates. However, by 2023 the number of prisoners had surpassed this figure by 6,675, yielding an occupancy rate of 110.2%. The Malaysian Prisons Department further reported in February 2023 that the system exceeded international standards of acceptable capacity by 4,200 inmates, or 36.0%. This chronic overcrowding undermines the quality of incarceration and places immense strain on physical facilities, staff, and service provision.

One of the most immediate consequences of overcrowding is the escalation of operational costs. Studies highlight that excessive inmate numbers inflate expenditure on infrastructure, healthcare, food, transportation, security, and salaries (Hasnah et al., 2018; Haslinda et al., 2018). Between 2017 and 2022, the Malaysian government allocated approximately RM5.5 billion to prison operations, averaging RM1.09 billion annually (Minister of Home Affairs, 2022). This expenditure is comparable to the operational budget of two public universities (Hasnizam et al., 2021). Scholars argue that such funds could be more productively invested in higher education, potentially generating skilled graduates, fostering research, and contributing to national economic growth (Siti Aisyah & Mohd Shahid, 2022). Thus, overcrowding not only reflects a penal crisis but also poses significant economic opportunity costs.

The search for solutions to prison overcrowding has prompted global attention to private prisons. The emergence of private prisons in the 1980s was closely tied to neoliberal economic reforms, as governments sought to reduce correctional costs and expand capacity without heavy reliance on public expenditure (Gaes, 2008; Mukherjee, 2015). The first modern private facility was established in 1984 under the Corrections Corporation of America (CCA), later renamed CoreCivic, which became a prototype for privately managed incarceration (Gotsch & Basti, 2018; Young, 2020). Since then, prison privatization has been justified on the grounds of

reducing overcrowding, alleviating fiscal burdens, and delivering correctional services more efficiently (Bryant, 2022; Johnson, 2006).

Private prisons are generally defined as correctional facilities operated by private companies under contractual agreements with governments. The U.S. Department of Justice (2016) describes them as facilities funded through government contracts but managed by private operators. Blakely and Bumphus (2004) as well as Cheung (2004) emphasize that these arrangements typically involve payments per inmate, either on a daily or monthly basis. Rynne and Harding (2016) and Kim (2022) describe them as “contract prisons,” highlighting the competitive bidding process through which companies secure partial or full responsibility for correctional services.

From a theoretical perspective, proponents of privatization argue that such arrangements align with free-market principles, enhancing efficiency while reducing bureaucratic inertia (Vilher, 2017; Pfaff, 2020). Advocates contend that privatization can improve service delivery, lower costs, and foster innovative rehabilitation programs. Utilitarian reasoning has also been applied, framing private prisons as morally defensible if they yield greater societal benefits by lowering public costs and improving inmate outcomes (Morenoff & Harding, 2014; Visser & Travis, 2003). Some studies suggest that privatization models can contribute to national economic efficiency and public well-being by distributing correctional responsibilities between the state and private actors (Duus-Otterström & Poama, 2024; Mamun et al., 2020).

Nevertheless, the literature also reveals widespread concerns. Critics argue that private prisons prioritize profit maximization, which can undermine inmate welfare. Cost-cutting measures often affect staffing levels, healthcare, nutrition, and rehabilitation programs (Harding, 2017; Mason, 2013). Evidence from comparative studies has shown higher recidivism rates among inmates in private facilities, suggesting limited investment in long-term rehabilitation (Mukherjee, 2015; Allen et al., 2019). These findings challenge the utilitarian justification of private prisons, as outcomes may not support the broader societal good.

Legal and ethical considerations further complicate privatization. Outsourcing correctional responsibilities creates contractual and regulatory challenges, especially in ensuring compliance with national laws and international human rights standards (Gunderson, 2022; Rynne & Harding, 2016). Unlike state-run prisons, private companies may not be subject to the same degree of public accountability, raising concerns about transparency and oversight (Kim, 2022; Liu et al., 2024). If regulatory frameworks are weak, private operators may prioritize financial efficiency over justice system objectives such as rehabilitation, reintegration, and public safety.

This tension between efficiency and accountability underscores the broader debate on whether private prisons represent a viable or ethical solution. On one hand, privatization promises to relieve overcrowding, reduce state expenditure, and potentially modernize correctional practices. On the other hand, it raises fundamental questions about the commodification of incarceration and the moral legitimacy of profiting from punishment.

In the Malaysian context, this debate is particularly significant. The chronic issue of overcrowding and the immense financial burden on the state highlight the need for urgent reform. Yet, limited empirical research on private prisons in Malaysia means that much of the debate remains speculative, shaped more by assumptions and ideological positions than by evidence. A comprehensive understanding of public perceptions, policy feasibility, and ethical considerations is therefore critical to evaluating whether privatization could offer a sustainable solution or whether alternative strategies – such as sentencing reform, diversion programs, and community-based corrections – should be prioritized.

METHODOLOGY

This study adopts a quantitative exploratory research design to investigate public perceptions of the proposal to establish private prisons in Malaysia. A quantitative approach was selected because it allows for measurable, objective, and generalizable findings, making it appropriate for exploring an issue that remains relatively under-researched in the Malaysian context (Pandey & Pandey, 2015). Such an approach provides a systematic and reliable framework for analysing public attitudes toward complex policy matters, thereby contributing to informed decision-making (Walliman, 2006).

Data were collected through a structured questionnaire, which ensured consistency, reliability, and clarity in capturing respondents' views (Singh, 2006). The instrument consisted of 56 questions organized into seven sections, addressing areas such as awareness of prison overcrowding, trust in institutions, attitudes toward privatization, and perceptions of policy effectiveness. Responses were measured using a six-point Likert scale, which enabled participants to indicate varying degrees of agreement or disagreement. This scale design minimizes neutrality, encourages respondents to make deliberate choices, and enhances the quality of data collected (Creswell & Clark, 2017).

To establish reliability, a pilot test was conducted prior to the main survey. Cronbach's Alpha values ranged between 0.78 and 0.87, indicating good internal consistency and confirming that the instrument was dependable for measuring public perceptions. The main data collection phase was conducted over three months, from October 1 to December 31, 2024. The questionnaire was distributed online via Google Forms, which allowed wide accessibility and efficient data management.

A total of 2,014 individuals, aged 18 years and above, voluntarily participated in the study. This sample size provides adequate representation of public opinion and enhances the robustness of the findings. Overall, the methodological design ensures that the study offers a comprehensive and empirically grounded understanding of how Malaysians perceive private prisons as a potential response to prison overcrowding.

FINDING AND DISCUSSION

Table 1 highlights public awareness of Malaysia's prison overcrowding and views on private prisons as a potential solution. While most respondents acknowledge overcrowding, opinions on the urgency of reform and the role of privatization remain divided. The findings reveal both recognition of the issue and uncertainty regarding the effectiveness, costs, and ethical implications of private prisons.

Table 1: Public Perception of Prison Overcrowding and Private Prisons

	Perception	%	Mean	SD	t-Test	Sig.
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 Malaysia to overcome the problem of prison overcrowding.	54.97	3.42	1.58	11.93	p<0.05
4.	I believe that private prisons can solve the problem of prison overcrowding.	50.49	3.57	1.61	15.89	p<0.05

The findings of this study reveal significant insights into public perceptions of Malaysia's prison overcrowding and the potential role of private prisons in addressing the issue. A large majority of respondents (80.98%) acknowledged that Malaysia is currently experiencing serious overcrowding in its correctional facilities. This is supported by a mean score of 2.69 with a standard deviation (SD) of 1.45. The negative t-Test value (-9.59, $p < 0.05$) confirms that the level of awareness is statistically significant. These results suggest that respondents are well informed about the existence of overcrowding, which may be attributed to media reporting, government announcements, or personal familiarity with the justice system.

This high level of public recognition aligns with global findings on the salience of prison overcrowding as a pressing correctional issue. Studies across multiple contexts have shown that overcrowded prisons create environments that exacerbate violence, weaken rehabilitation opportunities, and compromise inmates' access to basic healthcare (Trabsky & Jones, 2024; Craig, 2024). Fair and Walmsley (2021) add that overcrowding often leads to inhumane living conditions, inadequate sanitation, and extreme stress levels, which in turn may worsen criminal behaviour rather than rehabilitate offenders. Thus, the recognition by the Malaysian public reflects awareness of a well-documented problem with significant social, economic, and ethical implications.

Despite this widespread awareness, the urgency with which the public believes the issue should be addressed is less pronounced. Just over half of the respondents (53.93%) agreed that overcrowding requires immediate attention. This finding, with a mean score of 3.31 and an SD of 1.62, was further supported by a positive t-Test result (8.59, $p < 0.05$), confirming its statistical significance. However, the moderate level of agreement indicates that while Malaysians recognize overcrowding as a problem, fewer see it as a matter demanding urgent reform.

Several factors may explain this divergence. Public priorities are often shaped by broader political discourse, government agendas, and the framing of issues in the media (Freemon, 2024; Mamun et al., 2020). For many, challenges such as healthcare, education, and economic stability may overshadow concerns about prison conditions (Frost et al., 2019; Sampson & Matthews, 2021). Additionally, the fact that prisons are largely removed from the daily lives of the general public may lead to a sense of detachment, reducing the perceived urgency of reform. This suggests that awareness does not necessarily translate into strong public demand for immediate policy change.

With regard to private prisons as a solution, the study found moderate levels of support. A total of 54.97% of respondents expressed agreement with the idea of establishing private prisons, producing a mean score of 3.42 and an SD of 1.58. The positive t-Test result (11.93, $p < 0.05$) confirmed statistical significance. However, support remained tentative and cautious. Concerns about costs, accountability, and ethical implications appear to temper public enthusiasm.

The ambivalence observed in the Malaysian context mirrors international debates on the value of privatization in corrections. Proponents argue that private prisons can reduce government expenditure and operate more efficiently by cutting labour costs and streamlining operations (Pozen, 2004). Yet, other studies have challenged these claims, suggesting that cost savings are often exaggerated or achieved at the expense of inmate welfare and rehabilitation (Chirakijja, 2024). Pratt and Maahs (1999) highlighted that empirical evidence for cost-effectiveness remains inconclusive, which may explain public hesitation in Malaysia.

When asked about the effectiveness of private prisons in directly addressing overcrowding, just over half of respondents (50.49%) believed they could provide relief. The mean score was 3.57, with an SD of 1.61, and a positive t-Test value (15.89, $p < 0.05$), confirming significance. Nevertheless, the divided responses suggest scepticism regarding the long-term sustainability of such institutions. Harding (2001) argues that while private prisons may alleviate

overcrowding temporarily, their success is contingent on robust regulatory oversight and adherence to human rights standards. Without these safeguards, concerns persist that private operators may prioritize profitability over rehabilitation.

Scholars such as Cheung (2004) and Hallett (2006) caution that privatization carries risks of expanding mass incarceration, as private companies have financial incentives to maintain high occupancy rates. This raises ethical dilemmas about whether justice should be subject to market logic. The possibility that private prisons might perpetuate overcrowding rather than resolve it further complicates the debate.

Taken together, these findings suggest that private prisons may provide short-term capacity relief but are not a comprehensive or sustainable solution to Malaysia's correctional crisis. The moderate level of public support, coupled with financial, ethical, and policy concerns, indicates that privatization should not be the sole or primary approach. Instead, broader reforms are needed to address the root causes of overcrowding.

International evidence points to the effectiveness of alternatives such as sentencing reform, rehabilitation, and community-based corrections. Research consistently shows that education and vocational training programs reduce recidivism and improve post-release reintegration (Sampson & Matthews, 2021). Norway's emphasis on rehabilitation over punishment has contributed to one of the world's lowest recidivism rates (Pratt, 2022), demonstrating that systemic change can yield long-term benefits. For Malaysia, adopting similar approaches could ease overcrowding while promoting reintegration and reducing reoffending.

Experiences from developed countries also provide cautionary lessons about privatization. The United Kingdom has faced challenges with private prison contracts, including concerns about service quality and financial viability (Burkhardt, 2024; Pfaff, 2020). In the United States, research has revealed that private prisons frequently fail to deliver promised cost savings and may even contribute to higher recidivism rates due to reduced rehabilitation investments (Budd, 2024). These findings reinforce the importance of critically assessing the risks and benefits of privatization before implementing such policies in Malaysia.

Here, the study highlights that while Malaysians widely recognize prison overcrowding, there is no overwhelming consensus on private prisons as a solution. Public opinion reflects both acknowledgment of the problem and caution about privatization. This indicates that policymakers should pursue a multifaceted approach that combines improved management of public prisons with reforms emphasizing rehabilitation and alternatives to incarceration. Ultimately, a holistic strategy grounded in evidence and ethical considerations offers greater potential for sustainable reform than reliance on privatization alone.

CONCLUSION

The findings of this study indicate that while private prisons may provide short-term relief for Malaysia's prison overcrowding, they do not represent a sustainable or comprehensive solution. Public support for privatization is moderate, reflecting ambivalence shaped by financial concerns, ethical dilemmas, and questions about long-term viability. These considerations suggest that privatization should not serve as the primary framework for reform. A more effective approach lies in developing a holistic strategy that integrates sentencing reforms, expansion of rehabilitation programs, and improved management of existing public prisons. Such measures would not only address capacity challenges but also strengthen the ethical foundations of Malaysia's correctional system by emphasizing rehabilitation and reintegration rather than punishment alone. Global experiences reinforce this perspective. Norway's success in reducing recidivism through education, vocational training, and restorative practices demonstrates the value of rehabilitation-cantered models. By contrast, nations such as the United States and the United Kingdom have encountered serious difficulties

with private prisons, including accountability issues, minimal cost savings, and human rights concerns. These lessons provide important reference points for Malaysia as it evaluates future directions for prison reform. Ultimately, Malaysia should pursue evidence-based policies that balance fiscal responsibility with ethical imperatives and long-term correctional objectives. Private prisons, if considered, should remain supplementary and carefully regulated, rather than central to reform efforts. A comprehensive and rehabilitative strategy – grounded in justice, transparency, and public accountability – offers the most viable path forward for addressing prison overcrowding and ensuring a fairer and more sustainable correctional system.

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