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Assessing Malaysia's Readiness for Private Prisons: A Public Perception Study

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Abstract – This study explores public perception and argumentation regarding the proposal to establish private prisons in Malaysia. Currently, all correctional facilities are government-owned public prisons, and no private prisons or prison privatization exist. The proposal arises from three key challenges: overcrowding, rising operational costs, and the high financial burden of maintaining aging prison facilities. As the prison population grows, the government struggles to sustain efficiency, security, and rehabilitation standards. Private prisons are seen as a possible solution to reduce costs, introduce management innovation, and improve rehabilitation programs. However, the feasibility of this initiative depends on public acceptance and trust. This study uses a quantitative exploratory method involving 2,014 respondents. Data was collected through a structured questionnaire with seven sections and 56 questions. The reliability test showed Cronbach's Alpha values between 0.78 and 0.87, indicating good reliability. The findings show that 54.97% of respondents support private prisons to reduce overcrowding (Mean = 3.42, $p < 0.05$). About 52.64% believe they can lower operational costs (Mean = 3.45, $p > 0.05$). Another 55.37% agree private prisons could reduce maintenance expenses (Mean = 3.35, $p < 0.001$). Public support remains moderate. Many recognize the benefits but question their effectiveness and long-term sustainability. The lack of public familiarity with private prison models may contribute to this hesitation. The small sample size could also limit the findings. Future research should increase the sample size for better generalization. A longer study duration would help track changes in public perception. Extending the timeframe would allow more systematic data collection and broader participation. This would provide policymakers with deeper insights into public concerns and potential risks. A well-informed approach can help assess the feasibility of private prisons and their role in Malaysia's criminal justice system.

Keywords – private prison, public perception, readiness, quantitative, Malaysia

INTRODUCTION

Currently, Malaysia's prison system is fully managed by the government under the Malaysian Prison Department, with no private prisons or prison privatization in the country. All existing facilities are government-owned public prisons, but the system is facing three major challenges: overcrowding, rising operational costs, and the substantial financial burden of maintaining aging prison facilities. Given the significant benefits observed in countries that have adopted prison privatization – including cost efficiency, reduced government expenditure, management innovation, and improved inmate rehabilitation – the establishment of private prisons in Malaysia is being considered as a potential solution to these pressing issues. However, before such a transition can take

place, it is essential to assess Malaysia's readiness for private prisons, ensuring that legal, ethical, and operational factors are carefully examined.

Accordingly, this study aims to assess public opinion and argumentation regarding the necessity and readiness for private prisons in Malaysia. Specifically, it seeks to evaluate whether private prisons could effectively address inmate overcrowding, reduce the increasing annual operational costs, and minimize the financial strain of constructing new prisons or maintaining existing ones. By understanding public perceptions, this study aims to provide valuable insights for policymakers in considering the feasibility, benefits, and potential challenges of introducing private prisons in Malaysia, as well as the nation's overall readiness for such a reform.

LITERATURE REVIEW

Private prisons are institutions designed to achieve "mutual benefits" between the government and the private sector (1,2). The first modern private prison was introduced in 1984 with the establishment of the Corrections Corporation of America (CCA), now known as CoreCivic (3, 4). The concept of private prisons emerged as a response to prison overcrowding, rising operational costs, and the financial burden on governments. By outsourcing correctional services to private companies, the aim was to reduce public spending while maintaining efficiency and inmate rehabilitation programs (5,6).

The U.S. Department of Justice (2016) (7) defines private prisons as contracted correctional facilities operated by private companies on behalf of the government for the placement of inmates. Similarly, Blakely & Bumphus (2004) (8) and Cheung (2004) (9) describe them as facilities contracted to private companies to incarcerate offenders for mutual benefits, where private entities manage inmates for a fee (daily or monthly) within government-designated detention facilities. Due to their contractual nature, private prisons are also referred to as "contract prisons," as private companies must compete in a bidding process to secure either partial or full-service contracts through government tenders (10,11).

The rise of private prisons is closely linked to the shift from Keynesian economics to neoliberalism. The economic crisis of the 1970s led to the decline in Keynesian economic policies, which promoted government intervention and welfare programs. Consequently, these policies lost favour among voters and politicians in the United States (12). This shift created an opportunity for neoliberal policies to gain prominence, emphasizing minimal government involvement, deregulation, and privatization (13,14). Fundamentally, neoliberalism encourages governments to transfer the financial burden of public service institutions to individuals or private companies (15,16).

During the 1980s, many public services – such as cleaning, healthcare, security, fire protection, and education – began to be privatized or outsourced to the private sector (17,18). Privatization was expected to increase competition, enhance service quality, and reduce costs (19,20). Within the prison system, the government collaborated with political elites, business leaders, and correctional experts to strategically plan and assess the feasibility of prison privatization (21,22).

The emergence of private prisons in the 1980s was a direct result of neoliberal policies, illustrating how governments responded to prison overcrowding and rising operational costs (23,24). During the Reagan administration, slogans such as “Get tough on crime” and “Get government off our backs, out of our pockets” fuelled the shift in prison economics, accelerating the growth of private correctional facilities (25, 26). Neoliberal advocates argued that the free market had successfully been reintroduced into the prison system, which had previously been dominated by Keynesian-style government control (27, 28).

The core philosophy of prison privatization under neoliberalism is to reduce government intervention and prioritize free-market solutions (16, 29). Neoliberal economic theory assumes that market competition can enhance efficiency and innovation in prison services (19, 30) For example, private prison companies may introduce new technologies or implement innovative inmate management practices that could reduce recidivism rates and improve inmate welfare (31,32).

Private entities, driven by profit motives, are believed to have stronger incentives to cut costs and enhance service quality, benefiting taxpayers, the government, and inmates (33, 34). In other words, private prison operators are more likely to optimize operations for efficiency, adopt cost-saving measures, and invest in advanced security and rehabilitation programs (16).

Accordingly, private prisons, shaped by market competition – a fundamental principle of neoliberal economics – are perceived as delivering better outcomes than public prisons, which are often seen as rigid, bureaucratic, and lacking innovation (35, 36). The competitive bidding process among private companies encourages them to develop cost-effective solutions for prison operations, ultimately aiming to reduce the financial burden on governments while maintaining correctional standards (26, 37).

METHODOLOGY

This study employs a quantitative exploratory research method to understand public attitudes and opinions regarding the proposal to establish private prisons. A quantitative approach was chosen as it ensures measurable research outcomes, even though private prisons remain a relatively unexplored issue in Malaysia (38). This method provides a systematic, reliable, and generalizable framework for assessing public perceptions of this complex issue (39). To collect data, the study utilized a structured questionnaire, which offers an effective and organized approach for gathering representative, reliable, and meaningful information (40). The questionnaire serves as a key tool to understand public views, identify underlying concerns, assess confidence in institutions, and gauge the level of public acceptance toward the establishment 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 quality by prompting respondents to take time before providing thoughtful and meaningful responses (41). To ensure reliability, a pilot test was conducted, yielding Cronbach's Alpha values ranging from 0.78 to 0.87, which indicates good reliability. This confirms that the questions within these domains are consistent and effectively measure the theoretical concepts being studied.

The study was conducted over three months, from October 1, 2024, to December 31, 2024, using a structured questionnaire in the form of a Google Form. A total of 2,014 respondents, all aged 18 years and older, voluntarily participated in the study, forming the sample group. The sample size was chosen to ensure sufficient representation of public opinion, contributing to a comprehensive understanding of how Malaysians perceive the idea of private prisons and the challenges surrounding their implementation.

FINDING AND DISCUSSION

Table 1 shows that 54.97% of respondents support the establishment of private prisons as a solution to prison overcrowding. With a mean value of 3.42 and SD of 1.58, the findings indicate that support for this measure is moderate. The high t-test value (11.93) and its significance ($p < 0.05$) suggest that respondents are clearly aware of the issue of inmate overcrowding and perceive private prisons as one of the potential solutions. Additionally, the low SE value (0.035) confirms that the data is highly accurate. Meanwhile, the B coefficient value of 0.420 indicates a positive relationship between respondents' support and the perceived effectiveness of this measure.

The table also shows that 52.64% of respondents support the establishment of private prisons to address high prison operational costs. With a mean value of 3.45 and SD of 1.59, the level of support is moderate. However, the low t-test value (-1.41) and non-significant result ($p > 0.05$) indicate that respondents' perceptions of the

effectiveness of this measure do not show a significant difference. The SE value (0.035) suggests that the data is reasonably accurate. Nevertheless, the low B coefficient value (-0.050) reflects a negative relationship between respondents' support and the effectiveness of this measure, suggesting that respondents may not be confident that private prisons can significantly reduce operational costs.

The study also found that 55.37% of respondents support the establishment of private prisons to address the high costs of maintaining old prisons. The mean value of 3.35 and SD of 1.54 indicate that support for this measure is moderate, although it is the highest among the three issues examined. The t-test value (-4.29, $p < 0.001$) is significant, indicating a clear difference in respondents' support for this measure. Additionally, the SE value of 0.034 suggests that the data is highly accurate. However, the negative B coefficient value (-0.147) reflects respondents' concerns about the effectiveness of this measure in solving the issue of high maintenance costs, implying scepticism about whether private prisons can effectively manage these financial burdens.

Table 1: Establishment of Private Prisons to Address Prison Issues (N = 2014)

Support for Establishment	%	Mean	SD	t-Test	Sig.	SE	B Coefficient
Solving prison overcrowding	54.97	3.42	1.58	11.93	$p < 0.05$	0.035	0.420
Reducing high prison operational costs	52.64	3.45	1.59	-1.41	$p > 0.05$	0.035	-0.050
Reducing high maintenance costs	55.37	3.35	1.54	-4.29	$p < 0.001$	0.034	-0.147

The data indicates that public support for the establishment of private prisons as a solution to prison issues is moderate, with the highest level of support directed toward addressing maintenance costs. This moderate level of support reflects respondents' concerns about the effectiveness and potential risks of private prisons. Therefore, the government should consider the following strategies before establishing private prisons in Malaysia:

1. Increasing public awareness and trust: A fundamental barrier to public support for private prisons is a lack of understanding of their benefits, risks, and operational mechanisms. If the government considers private prisons as an alternative to alleviate the burden on overcrowded public prisons, it is crucial to increase public awareness and understanding of this issue (42, 43). Public awareness campaigns should focus on educating citizens about the role of private prisons, their impact, and the measures in place to ensure ethical and effective management (44). Transparent discussions through public forums, media engagement, and expert-led initiatives will help dispel misconceptions and foster trust (45). Additionally, the government should publish detailed reports outlining the expected cost savings and efficiency of private prisons compared to public institutions. Transparency plays a key role in fostering trust, and the government should publish reports comparing the cost-

effectiveness and efficiency of private prisons with existing public institutions (46). Furthermore, a well-structured accountability framework must be put in place to ensure that private prison operators uphold high service standards and comply with human rights obligations. By implementing these measures, the government can address public concerns, promote informed discussions, and enhance confidence in the potential role of private prisons within Malaysia's criminal justice system.

2. Providing clear and transparent information: One key challenge is the public's limited understanding of how private prisons can reduce operational costs without compromising service quality (47, 48). Additionally, there are concerns about whether private prisons can maintain high standards for maintenance. Some respondents also fear that privatization may result in additional costs imposed on taxpayers (9, 14, 49). The government must provide clear and transparent information on how private prisons can address prison issues without compromising inmate rights and security standards (50). Additionally, it is essential for the government to present a detailed plan outlining how private prisons will effectively manage high operational and maintenance costs, ensuring that potential risks are mitigated (51, 52).

3. Developing a robust regulatory framework: A well-defined regulatory framework is essential to mitigate risks such as corruption, cost inflation, and substandard conditions in private prisons (53). The government should draft comprehensive legal guidelines that specify the roles, responsibilities, and limitations of private prison operators (54). To ensure compliance, an independent oversight body must be established to monitor private prison operations, conduct regular audits, and publish performance reports. Strict contractual obligations, including inmate welfare protections and performance benchmarks, must be incorporated into all agreements with private prison companies (55).

4. Implementing pilot projects for feasibility assessment: Instead of an immediate large-scale transition to private prisons, Malaysia should adopt a phased approach by conducting pilot projects (56, 57). Selecting one or two prison facilities for privatization on a trial basis will provide empirical data on operational efficiency, cost savings, and security management. These pilot projects should be independently evaluated, with findings used to refine policies before expanding the program nationwide (54). A gradual implementation strategy will allow the government to address emerging challenges, enhance regulatory mechanisms, and optimize contractual agreements for better service delivery (58). Additionally, showcasing successful case studies from pilot projects will help shape positive public perception.

5. Ensuring cost efficiency without compromising quality: A primary concern regarding private prisons is whether they can operate at lower costs while maintaining service quality. The government must ensure that

private prison contracts are structured to achieve financial efficiency without compromising security, rehabilitation programs, or inmate welfare (59). Performance-based contracts should be implemented, offering incentives for private operators to uphold high standards. Fixed-cost contracts should also be considered to prevent financial exploitation and ensure that cost savings benefit the public rather than private corporations. Furthermore, a clear financial accountability system must be established. Regular audits and performance reviews will help prevent cost overruns and ensure that taxpayers do not bear unnecessary financial burdens (14). Transparent financial management will be essential in demonstrating the viability of private prisons (60).

6. Addressing ethical and social concerns: Ethical considerations play a critical role in public acceptance of private prisons. The government must ensure that private prisons adhere to international human rights standards and avoid exploitative practices such as forced labour or cost-cutting measures that compromise inmate dignity (61). A key concern is the risk of profit-driven incarceration, where private operators might influence stricter sentencing policies to increase their inmate population. To prevent this, strict legal safeguards must be implemented to ensure that sentencing policies remain independent of private prison interests (62). Additionally, rehabilitation and reintegration programs should be prioritized to reduce recidivism rates and support inmates' successful reintegration into society. Private prison contracts should include provisions requiring investment in rehabilitation initiatives, vocational training, and mental health support to ensure that inmates receive adequate opportunities for reform (50).

CONCLUSION

While Malaysia is not yet fully prepared for the introduction of private prisons, strategic measures can be taken to build public confidence, strengthen regulatory oversight, and ensure financial and ethical sustainability. By increasing public awareness, implementing a robust regulatory framework, piloting small-scale projects, ensuring cost efficiency, and addressing ethical concerns, the government can create a strong foundation for a responsible and effective private prison system. These steps will not only help address existing challenges in the prison system but also ensure that private prisons operate transparently, ethically, and in the best interest of the public.

The level of public acceptance and support for the establishment of private prisons in Malaysia remains moderate. This may be due to the limited sample size of the study or the public's lack of familiarity with the concept of private prisons. To enhance the generalizability of future research, the current sample size of 2,014 respondents should be increased. A larger sample size would improve the reliability and accuracy of the study findings while reducing the margin of error. Additionally, a larger dataset would enable researchers to identify significant

relationships or patterns that might not be evident in a smaller sample. It would also allow for the application of more sophisticated statistical methods, leading to deeper and more insightful research outcomes.

This study was conducted over a three-month period, which inevitably influenced the number of respondents and the overall findings. To strengthen future research, extending the study duration would be beneficial, as it would allow for a larger respondent pool and provide an opportunity to track changes in public perception over time. A longer study duration would facilitate more systematic data collection, ensuring broader participation from diverse social groups. Furthermore, it would enable researchers to conduct in-depth analyses of specific subgroups or targeted regions. Moreover, an extended study period would allow for an assessment of both the short-term and long-term impacts of prison privatization on society, the justice system, and related institutions, offering a more comprehensive understanding of its potential benefits and risks.

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