

# Ethical and Social Barriers to the Establishment of Private Prisons in Malaysia

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## Abstract

The establishment of private prisons in Malaysia has sparked significant debate due to various ethical and social concerns. This study examines the barriers that may hinder the implementation of private prisons, focusing on inmate welfare, rehabilitation, human rights, criminal justice, national security, and corruption. Given that prison privatization is a relatively new and unexplored issue in Malaysia, understanding public perception is crucial for evaluating its feasibility. A quantitative exploratory research method was employed, involving 2,014 respondents. Data was collected through a structured questionnaire consisting of seven sections and 56 questions. The reliability test of the questionnaire showed Cronbach's Alpha values ranging from 0.78 to 0.87, indicating good reliability and ensuring that the instrument effectively measured public attitudes toward prison privatization. The study aimed to assess the extent to which respondents recognize the ethical and social risks of private prisons and their level of acceptance toward this policy. The findings revealed that 58.35% of respondents expressed concerns about inmate welfare, while 42.50% raised doubts about the effectiveness of rehabilitation programs in private prisons. Additionally, 37.44% perceived criminal justice as a potential barrier, and 43.94% considered human rights protections for inmates as a critical issue. Moreover, 38.18% of respondents cited national security risks, while 60.83% viewed corruption as a major obstacle to the privatization of prisons. These findings indicate that public scepticism remains strong, particularly regarding the profit-driven motives of private prison operators and their potential impact on prison conditions, inmate rehabilitation, and security. The study concludes that ethical and social concerns pose major challenges to the establishment of private prisons in Malaysia. The public's primary concern appears to be the prioritization of cost reduction over inmate welfare and rehabilitation by private prison companies. To address these issues, the government must develop a well-structured legal framework and strict oversight mechanisms to regulate private prison operations. Transparency measures, independent monitoring bodies, and human rights protections must be established to ensure accountability and public trust. The findings provide valuable insights for policymakers, guiding the development of safeguards and ethical regulations before considering private prisons as a solution to prison overcrowding and correctional challenges in Malaysia.

**Keywords:** private prison, ethical and social barriers, welfare, corruption, Malaysia

## 1. Introduction

The establishment of private prisons in Malaysia has become a highly debated issue, primarily due to significant ethical and social concerns. Critics argue that the criminal justice system should remain under government control to ensure accountability, transparency, and fairness (Boyle & Stanley, 2019; Schenwar & Law, 2020). State-run prisons operate within strict public governance frameworks and are subject to

continuous public scrutiny regarding their efficiency, effectiveness, and human rights compliance (Wozniak, 2014). In contrast, private prison operators, driven by profit motives, may limit transparency, raising concerns about misconduct, corruption, and the overall integrity of prison management (Gilmore, 2007).

Given these concerns, this study seeks to identify the ethical and social barriers to the establishment of private prisons in Malaysia. It aims to examine the extent to which respondents recognize key issues such as inmate welfare, rehabilitation, and human rights, alongside broader challenges related to criminal justice, national security, and corruption, which may hinder the implementation of private prisons. Additionally, this research explores public perception and acceptance of prison privatization, particularly in relation to ethical responsibilities and governance challenges. Understanding these concerns is essential in evaluating whether private prison models align with national values, human rights obligations, and public trust. By identifying potential ethical and social risks, this study provides critical insights for policymakers, enabling them to develop appropriate legal frameworks, regulatory mechanisms, and safeguards to address public concerns before considering the privatization of prisons in Malaysia.

## 2. Literature Review

A major ethical concern surrounding private prisons is the influence of financial interests on criminal justice policies (Gunderson, 2022; Liu et al., 2024). Private prisons, operating under economies of scale, may seek to increase incarceration rates to maximize financial returns (Weiner, 2022). Critics argue that profit-driven companies could lobby for harsher sentencing laws, ensuring a constant influx of prisoners to maintain profitability (Kish & Lipton, 2013). This concern is particularly relevant in Malaysia's context, where strict sentencing laws and high incarceration rates could become financially advantageous for private prison operators, potentially undermining justice system integrity.

Furthermore, private prisons are often perceived as capitalist institutions that prioritize economic gain over prisoner rehabilitation and social reintegration (Schwartz & Nurge, 2004; Harding et al., 2019). The fundamental purpose of the criminal justice system is to rehabilitate offenders and ensure justice for society. However, if prison management is dictated by profit motives, it may lead to neglect in rehabilitation programs, substandard living conditions, and a lack of focus on reducing recidivism (Andrews & Bonta, 2010). The idea of profiting from incarceration is widely regarded as a violation of human dignity, unethical, and unjust (Jacobson, 2005; Guilbaud, 2014). Critics argue that justice and human rights are fundamental values that should not be commodified, and placing financial incentives on imprisonment inherently conflicts with these principles (Bondurant, 2013; Young, 2020).

Another social barrier to the establishment of private prisons in Malaysia is concern over inmate welfare and human rights. Opponents argue that outsourcing prison management to profit-driven companies may result in resource limitations that could affect prisoner welfare (Feeley, 2014; Alonso & Andrews, 2015). Studies suggest that private prisons may restrict funding for essential services, which could negatively impact prisoner rehabilitation, healthcare, and overall well-being (Sanchez & Sallmann, 2019; Trilling, 2017).

Furthermore, private prison operators may cut costs by reducing spending on inmate services, leading to overcrowding, inadequate healthcare, and poor living conditions (Schenwar & Law, 2020). In Malaysia, where prison overcrowding is already a major issue, introducing private prisons without stringent welfare regulations could worsen prison conditions, thereby violating basic human rights standards. Although some argue that government oversight can prevent such abuses, others caution that monitoring private

prisons requires significant regulatory resources, which could pose challenges in enforcement (Lundah et al., 2009). Without clear and enforceable regulations, the risk of neglect, abuse, and human rights violations in private prisons remains high.

Concerns regarding accountability and transparency present another major ethical and social challenge to the privatization of prisons in Malaysia. State-run correctional facilities are subject to public scrutiny, regulatory audits, and human rights monitoring (Kish & Lipton, 2013; Wozniak, 2014). However, private prison companies, which operate with profit-driven motives, may limit operational transparency, making it difficult for external authorities and the public to assess their performance (Gilmore, 2007; Arnett, 2019). Critics argue that allowing private companies to manage prisons could lead to reduced oversight, mismanagement, and corruption (Blakely & Bumphus, 2004). Without clear regulations and strict enforcement mechanisms, private prison operators may fail to meet ethical and legal obligations, leading to human rights abuses and violations of inmate welfare standards (Taylor & Cooper, 2008). To enhance public confidence in the governance of private prisons, the Malaysian government would need to establish comprehensive regulatory frameworks that ensure strict oversight, transparency, and ethical management (Blakely & Bumphus, 2004). However, the complexity of monitoring privately run prisons raises concerns about whether the government has the capacity and resources to effectively enforce these regulations (Lukemeyer & McCorkle, 2006).

Another major social concern regarding private prisons in Malaysia is national security and corruption risks. Private prison operators may prioritize cost-cutting over security measures, leading to weakened prison security, higher escape risks, and increased threats to public safety (Wright, 2010; Aisyah et al., 2024). Additionally, corruption within private prison management poses a serious risk. Studies suggest that private correctional facilities may be vulnerable to bribery, favoritism, and unethical business practices, as prison operators seek to maximize profits (Alexander, 2012; McElligott & Piché, 2013). In Malaysia, where corruption remains a critical public concern, there are fears that private prison contracts could be exploited for financial gain, compromising justice and ethical governance (Dippel & Poyker, 2023).

The establishment of private prisons in Malaysia faces significant ethical and social barriers that challenge their feasibility and public acceptance. Concerns surrounding profit-driven motives, accountability, transparency, inmate welfare, and national security present major obstacles that must be addressed before privatization can be considered a viable option. While proponents argue that private prisons could enhance efficiency and reduce government expenditure, critics maintain that placing financial incentives on incarceration is inherently unethical and may lead to human rights violations, corruption, and a weakened justice system. For private prisons to be a viable alternative, the Malaysian government must establish strict regulatory frameworks, independent monitoring systems, and enforceable ethical guidelines to ensure accountability, transparency, and inmate welfare. However, given the complexity of oversight and enforcement, alternative solutions such as sentencing reforms, rehabilitation programs, and community-based corrections may provide a more sustainable and ethical approach to addressing prison overcrowding in Malaysia.

### 3. Methodology

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, ensuring 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 data reliability, a pilot test was conducted, yielding Cronbach’s Alpha values ranging from 0.78 to 0.87, indicating 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 three-month period, 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, providing a comprehensive insight into the ethical and social barriers to private prisons and how Malaysians perceive their potential role in enhancing correctional system efficiency.

#### 4. Finding And Discussion

Table 1 reveals six ethical and social issues identified by respondents as barriers to the establishment of private prisons. A total of 58.35% of respondents expressed concerns about inmate welfare as an ethical and social issue in the privatization of prisons. With a mean score of 3.75 and a standard deviation (SD) of 1.57, this data indicates variation in respondents' views on the issue. The standard error (SE) value of 0.035 suggests that the obtained data is highly accurate. The significant t-Test value (7.17,  $p < 0.01$ ) highlights that the issue of inmate welfare requires serious attention. Additionally, the positive B coefficient (0.251) indicates that respondents perceive inmate welfare as a crucial issue that needs to be carefully addressed.

**Table 1: Ethical and Social Barriers to Private Prisons (N = 2014)**

Ethical and Social Issues	%	Mean	SD	t-Test	Sig.	SE	B Coefficient
Inmate Welfare	58.35	3.75	1.57	7.17	$p < 0.01$	0.035	0.251
Inmate Rehabilitation	42.50	3.32	1.54	-5.31	$p < 0.01$	0.034	-0.182
Criminal Justice	37.44	3.18	1.52	-9.58	$p < 0.01$	0.034	-0.324
Human Rights for Inmates	43.94	3.25	1.42	-7.87	$p < 0.01$	0.032	-0.249
National Security	38.18	3.27	1.41	-7.36	$p < 0.01$	0.031	-0.231
Corruption	60.83	3.83	1.46	10.12	$p < 0.01$	0.032	0.329

This study also found that 42.50% of respondents expressed concerns about the ability of private prisons to provide effective inmate rehabilitation programs. This concern could become a major barrier to the establishment of private prisons. With a mean score of 3.32 and an SD of 1.54, the findings suggest that the level of concern among respondents is relatively low. However, the significant t-Test value (-5.31,  $p < 0.01$ ) indicates that respondents hold critical views regarding the rehabilitation capabilities of private prisons. The negative B coefficient (-0.182) reflects a negative perception, suggesting that respondents

believe private prisons are unlikely to prioritize inmate rehabilitation. The low SE value (0.034) further supports the high accuracy of the collected data.

The table also reveals that 37.44% of respondents believe that criminal justice could be a major barrier to the establishment of private prisons. In other words, they are not confident that private prisons will uphold justice within prisons or the country. With a mean score of 3.18 and an SD of 1.52, the data suggests that respondents' concerns regarding this issue are fairly widespread. The low SE value (0.034) confirms the high accuracy of the data. The significant t-Test value (-9.58,  $p < 0.01$ ) indicates that respondents consider this a critical issue that must be addressed. Moreover, the negative B coefficient (-0.324) suggests that respondents doubt the ability of private prisons to fully support criminal justice.

Additionally, the study found that 43.94% of respondents expressed concerns about inmates' human rights as an ethical issue that must be addressed in the establishment of private prisons. With a mean score of 3.25 and an SD of 1.42, this perception indicates a stable yet critical viewpoint among respondents. The low SE value (0.032) further supports the high accuracy of the findings. The significant t-Test value (-7.87,  $p < 0.01$ ) demonstrates that respondents view this issue as a major obstacle to the establishment of private prisons in the country. The negative B coefficient (-0.249) reflects respondents' concerns that inmate rights may not be fully protected in private prisons.

The table also shows that 38.18% of respondents consider national security as a significant issue that may hinder the establishment of private prisons. With a mean score of 3.27 and an SD of 1.41, the findings indicate substantial concern among respondents regarding national security. The low SE value (0.031) confirms the high accuracy of the data. The significant t-Test value (-7.36,  $p < 0.01$ ) suggests that respondents statistically perceive national security as a key obstacle. However, the negative B coefficient (-0.231) reflects strong concerns among respondents that private prisons may face major challenges in maintaining national security.

The final ethical and social issue identified as a barrier to the establishment of private prisons in this study is corruption. A total of 60.83% of respondents expressed concerns about corruption as a major obstacle to the privatization of prisons. The low SE value (0.032) indicates a high level of accuracy in the data collected. The mean score of 3.83 and SD of 1.46 reflect significant respondent concern regarding the potential for corrupt practices. The significant t-Test value (10.12,  $p < 0.01$ ) highlights that respondents view corruption as a major threat in the establishment of private prisons. Furthermore, the positive B coefficient (0.329) suggests that these concerns could have a substantial impact on the success or failure of private prisons in the country.

Based on the study's findings, the ethical and social issues identified present major barriers to the establishment of private prisons. Respondents' concerns may stem from the perception that profit-driven private prison companies will prioritize cost reduction over inmate welfare (Sweta, 2021). In other words, inmates' access to basic needs such as food, healthcare, and education may be compromised if private prisons are not strictly monitored (Chirakijja, 2024; Eisen, 2019). Although inmate welfare was not the most frequently mentioned issue by respondents, it remains a significant concern due to its direct implications for human rights and prisoner dignity (Schultz, 2015). The human rights of inmates include access to basic services, protection from abuse, and respect for human dignity (Weiner, 2022).

Although rehabilitation programs are not classified as fundamental human rights, they are an essential component of the prison system to help inmates reintegrate into society and become productive individuals (Wettenhall, 2003). Respondents may view rehabilitation programs (such as vocational training and counseling) as a barrier to private prisons due to their high costs (Trilling, 2017). However, rehabilitation



programs are a core element of the criminal justice system (Genders, 2002). Respondents may be concerned that profit-driven private prison companies will neglect long-term rehabilitation efforts, creating imbalances in inmate treatment (Segal & Moore, 2002).

Respondents also expressed concerns that national security could become a major obstacle to the establishment of private prisons, particularly due to high security costs, similar to the cost of rehabilitation programs (Siemiatycki, 2015). Many respondents may perceive weaknesses in the security systems of private prisons, which could pose risks to public and national safety (Burkhardt, 2019). Additionally, respondents may fear a lack of integrity in private prison management, particularly regarding corruption risks that could compromise security (Wacquant, 2011). The concerns surrounding corruption may stem from the perception that private companies managing prisons are vulnerable to conflicts of interest or dishonest practices in resource management (Dippel & Poyker, 2023).

These concerns call for the government to develop a well-structured plan and implement strict oversight measures in establishing private prisons (Lindsey et al., 2016). The government must take proactive steps to ensure that the ethical and social issues identified in this study are addressed responsibly. It is essential for the government to ensure that private prisons comply with strict inmate welfare standards through effective monitoring mechanisms (Vilher, 2017; Harris et al., 2019). Additionally, the government should mandate high-quality rehabilitation programs as a requirement in private prison contracts (Schwartz & Nurge, 2004). A collaboration between the government, NGOs, and academic institutions should be established to develop, implement, and evaluate rehabilitation programs, ensuring their effectiveness and enhancing public trust (Byrne et al., 2019).

The government must also establish strict security standards that private prison operators must adhere to in order to safeguard national security (Kim, 2022; Savas, 2007). Regular monitoring and security simulation tests should be conducted to evaluate the effectiveness of security measures in private prisons (Cullen & Jonson, 2016). Finally, the government should develop transparent contract award processes, free from political influence or personal interests (Sampson & Matthews, 2021). The establishment of an independent oversight body to monitor anti-corruption measures in prison privatization or the establishment of private prisons could be an important step in increasing public confidence (Gran & Henry, 2008).

## 5. Conclusion

The findings of this study reveal that ethical and social concerns serve as significant barriers to the establishment of private prisons in Malaysia. Respondents identified six key issues that cast doubt on the feasibility and effectiveness of privatization: inmate welfare, rehabilitation programs, criminal justice, human rights, national security, and corruption. While private prisons are often presented as a cost-effective solution, public scepticism remains strong, primarily due to concerns that profit-driven models may compromise prisoner rights, rehabilitation efforts, and security standards.

Among these concerns, corruption emerged as the most pressing issue, indicating that the public perceives private prison operators as vulnerable to conflicts of interest and unethical practices, potentially undermining prison management integrity and public safety. Inmate welfare and national security were also identified as critical concerns, reflecting fears that cost-cutting measures in private prisons could lead to substandard living conditions, inadequate healthcare, and weakened security protocols. Another key issue highlighted in the study is rehabilitation programs for inmate reintegration. Public scepticism stems from concerns that rehabilitation efforts, which require substantial investment, may be deprioritized in

favour of financial gain. Similarly, criminal justice fairness and inmate human rights were flagged as potential risks, emphasizing public uncertainty over whether private prison operators would uphold ethical and legal responsibilities.

Given these challenges, the government must establish strict regulatory frameworks and oversight mechanisms to ensure that private prisons, if implemented, uphold ethical standards, maintain security, and prioritize rehabilitation. Collaboration with NGOs, academic institutions, and independent monitoring bodies will be essential for policy development, performance evaluation, and ensuring transparency in prison privatization contracts. Additionally, anti-corruption safeguards and strict human rights enforcement must be implemented to strengthen public confidence and prevent potential abuses. Ultimately, while private prisons may provide short-term relief for overcrowding, long-term concerns regarding ethics, accountability, and sustainability suggest that privatization should be approached with caution. Alternative solutions, such as sentencing reforms, community-based corrections, and enhanced rehabilitation programs, should be considered alongside privatization efforts to ensure a balanced and effective correctional system in Malaysia.

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