

## The need to implement a Criminal Justice Council (CJC) for Malaysia Madani

**P. Sundramoorthy**  
[moorthy@usm.my](mailto:moorthy@usm.my)

The establishment of a criminal justice council (CJC) could be an important step in addressing various issues within the criminal justice system in civil democratic societies like Malaysia. Such a council could provide a platform for key stakeholders, including policymakers, scholars, experts, law enforcement, and community representatives, to come together and discuss challenges, identify areas for improvement, and develop evidence-based solutions.

Recently, Malaysia Madani has been flooded with many questions about the issue of the possibility of home detention related to the currently incarcerated former Prime Minister. There are those who fully support home detention for the former Premier although his sentence has been drastically reduced by the Pardons Board. There are those who are questioning the legality of such a move especially without clear-cut legal provisions in the criminal justice system.

Another recent issue that has drawn public outcry is about victims of crime withdrawing their initial police report. This could be due to threats, intimidation, fear of reprisal or other related factors.

This is indeed an extremely unethical and troubling practice that goes against the principles of a fair and just legal system. Victims should be able to report crimes without fear of coercion or undue influence from authorities or powerful figures in society. It is an important issue that deserves the attention of the proposed CJC and action to protect the rights and safety of all citizens.

CJC must conduct comprehensive reviews of the criminal justice system. The council could analyze data, identify trends, and assess the effectiveness of current policies and practices.

CJC must propose reforms and policy changes without fear or favour. Based on their findings, the council could recommend legislative, administrative, or procedural changes to address systemic problems, such as disparities in sentencing, home detention, whipping, overcrowding in prisons, or issues related to rehabilitation and reintegration of offenders.

CJC will be responsible for facilitating stakeholder collaboration. The council could serve as a platform for open dialogue and collaboration among different actors in the criminal justice system, fostering a more coordinated and holistic approach to addressing challenges.

CJC can also play an effective role in promoting public engagement and transparency. The council could engage with the public, gather community feedback, and ensure that the decision-making process is transparent and accountable.

CJC must monitor and evaluate the implementation of reforms: The council could track the progress and impact of any implemented changes and make further recommendations as needed.

Based on the various current critical issues in Malaysia's criminal justice system, as follows are some of the major areas where CJC can address comprehensively.

Most importantly, addressing equity and fairness. The necessity to analyse racial, socioeconomic, and other disparities in arrest, prosecution, sentencing, and incarceration rates.

The importance of treatment and protecting the rights of all individuals within the criminal justice system.

In addition, reviewing the necessity and urgency to implement sentencing guidelines and exploring alternatives to lengthy prison sentences, such as restorative justice, community-based programs, and rehabilitation.

Furthermore, there is a need to address issues related to mandatory minimum sentences and the disproportionate impact on certain populations.

Another critical area to work on is prison reform. Improving prison conditions and addressing overcrowding, lack of rehabilitation programs, and high recidivism rates although the authorities will claim otherwise.

CJC must also explore alternatives to incarceration, such as community-based treatment and supervision programs for non-violent, non-serious and first-time offenders.

The issue of reentry and reintegration of convicted offenders into society  
Priority must be given to developing comprehensive programs and support systems to facilitate the successful reintegration of formerly incarcerated individuals into their communities must be made a priority.

Addressing barriers to employment, housing, and access to social services for ex-offenders must be on the agenda of reform.

Another major and priority area is mental health and substance abuse. Improving the identification and treatment of mental health and substance abuse issues within the criminal justice system.

There is also a critical need in developing specialized courts and diversion programs to address the needs of individuals with mental health or addiction challenges.

Moreover, CJC must review policing and community relations.  
Reviewing police practices, training, and accountability measures to build trust and strengthen relationships between law enforcement and the communities they serve.

An important area related to policing is by exploring strategies to de-escalate conflicts and address issues of police use of force.

CJC must also address the unique needs and challenges of the juvenile justice system, including issues related to rehabilitation, education, and family support. It is crucial to explore alternatives to incarceration and ensure a focus on restorative and rehabilitative approaches.

Furthermore, there is a need to improve data collection, analysis, and sharing to better understand the criminal justice system's performance and inform policy decisions.

Priority must be given to support and facilitate ongoing research and evaluation to identify evidence-based practices and drive continuous improvement.

By comprehensively addressing these key areas, a CJC can contribute to the development of a more just, equitable, and effective criminal justice system in Malaysia Madani.



First Edition  
First published : January 2025  
Centre for Policy Research (CPR), Universiti Sains Malaysia, 2025

Published by:  
Centre for Policy Research (CPR)  
Universiti Sains Malaysia  
11800 USM, Penang  
+604-653 3389  
+604-658 4820  
dir\_cpr@usm.my  
cpr.usm.my  
Centre for Policy Research (CPR)  
cpr\_usm  
cprusm

Academic editing by Sazlina Salleh, Chor Foon Tang  
Copy editing and proof-reading by Azeem Fazwan Ahmad Farouk  
Layout and design by Norazrina Md Jabarullah

e ISBN 978-967-10805-4-2

