



How Do Malaysians Really Feel About The Death Penalty?

A Peninsular-wide survey of views on the death penalty and its proportionality as a punishment

— THE —
CENTRE

supported by Hometrics Sdn. Bhd.

Mandatory or total? Controversy over abolition of death penalty.

The then PH Malaysian government announced plans to abolish the death penalty in 2018.



Asia

Malaysia to abolish death penalty for 32 offences, including murder



A general view at Parliament House in Kuala Lumpur, Malaysia. (Photo: AFP/Mohd Rasfan)

13 Nov 2018 06:11PM

This was followed by a series of contradicting policy statements...

“Full abolition of the death penalty”



YB Datuk Liew Vui Keong
Menteri di Jabatan Perdana Menteri
November 2018

“The abolition of the **mandatory** death penalty is still being considered”



YAB Datuk Seri Dr Wan Azizah
Timbalan Perdana Menteri
November 2018

“Replace the mandatory death penalty with judicial discretion”



YB Hanipa Maidin
Timb. Menteri di Jabatan Perdana Menteri
Mac 2019

...and some shows of public backlash.



Public sentiment on abolishing the death penalty has been polled by mainstream media...



...but the polls were rather **simple** relative to the complexity of the topic.



NST Online created a poll.

October 11, 2018 · 🌐

Cabinet has approved scrapping the death penalty in Malaysia.



Agree



Disagree

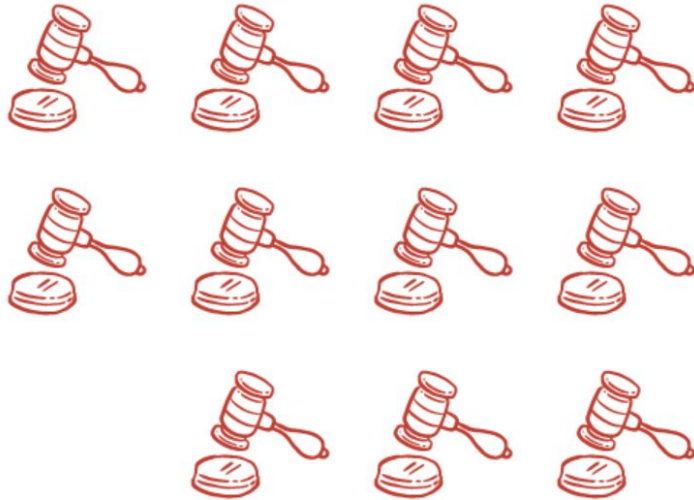
This poll has ended.

1.3K Votes



[Online poll](#) by The Star on 12th October 2018

In Malaysia, the debate is muddled further by the existence of the MANDATORY death penalty



There are **11** offences that come under the mandatory (*automatic*) death penalty including **murder, hostage-taking** resulting in death, and **terrorism-related** offences.

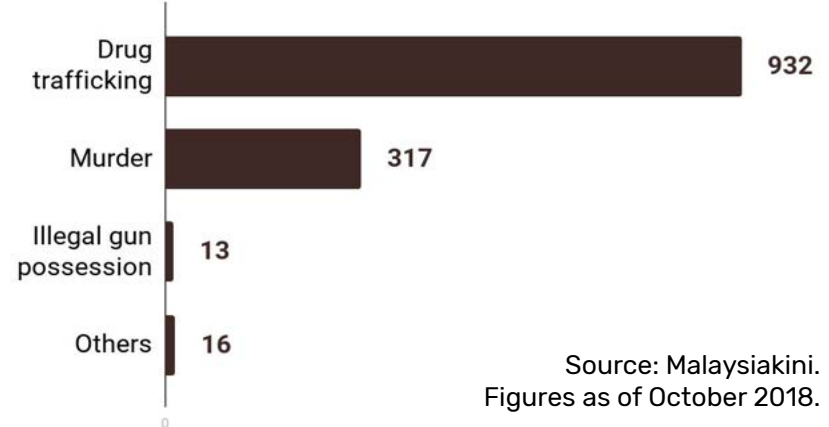
Malaysians' sense of justice and proportionality of punishment needed to be more fairly reflected.

Views on the 'justness' of the death penalty needed to be tested against:

- Type of offence
- Aggravating or mitigating factors
- Mandatory sentencing or by judicial assessment

Particularly given the fact that the bulk of death row cases in Malaysia today are due to drugs-related offences.

Number of death row cases



Source: Malaysiakini.
Figures as of October 2018.

The Death Penalty in Malaysia

Public opinion on the mandatory death penalty for drug trafficking, murder and firearms offences

Roger Hood

THE
DEATH
PENALTY
PROJECT

In association with:



Bar Council Malaysia

The most recent and extensive study on public opinion towards the death penalty in Malaysia was done in 2013.

Professor Roger Hood found that **support for the death penalty decreased** when Malaysian respondents were shown relevant scenarios and case facts.

We aimed to update that study and go one step further.

In Nov-Dec 2019, the Centre conducted a study of the public's views on the death penalty to understand:

- The **factors driving support for the death penalty**, and
- Malaysians' sense of what constitutes **fair punishment for different crimes and scenarios**.

This report presents the study's high-level findings together with our conclusions for relevant stakeholders.



About the Study

Study Methodology

Peninsular-wide face-to-face survey of **500** adult members of the public.

Stratified random sample by state, age, gender and ethnicity.

Survey conducted from 29th November to 6th December 2019.

Survey Design

Survey questions were adapted from 3 reference surveys:

- (1) Hood, Roger. 2013. "The Death Penalty In Malaysia". The Death Penalty Project.
- (2) O'Neil, Kevin M., Marc W. Patry, and Steven D. Penrod. 2004. "Exploring The Effects Of Attitudes Toward The Death Penalty On Capital Sentencing Verdicts." Psychology, Public Policy, And Law.
- (3) Chan, Wing Cheong, Ern Ser Tan, Jack Lee, and Braema Mathi. 2018. "Public Opinion On The Death Penalty In Singapore". NUS Law.

Questionnaires were in Bahasa Malaysia, English and Mandarin.



Survey Sections

- 1 Demographics**
 - > Gender, age, ethnicity, education, income
- 2 General views on the death penalty**
 - > Level of support for the death penalty and underlying values/beliefs with regard to punishment and justice
- 3 Judgement on MAXIMUM penalties for various types of offences**
 - > Respondent's assessment of proportionate punishment for offences currently chargeable with the death penalty ranging from personal drug use to premeditated murder
- 4 Judgement on MAXIMUM penalties for various types of scenarios**
 - > Respondent's assessment of proportionate punishment in the presence of various mitigating factors drawn from actual cases (reworded to remove identifying details)

Respondent Demographics

GENDER



51%



49%

ETHNICITY

Malay/Bumiputera 60%

Chinese 30%

Indian 9%

Others 1%

AGE

18 – 25 years old 25%

26 – 35 years old 30%

36 – 45 years old 20%

46 – 55 years old 16%

55 years old & above 9%

QUALIFICATIONS

SPM & below 38%

STPM/Certificate/Diploma 27%

Bachelor's degree & above 35%

STATES

Johor 15% Perak 10%

Kedah 8% Perlis 1%

Kelantan 7% P. Pinang 7%

Melaka 4% Selangor 24%

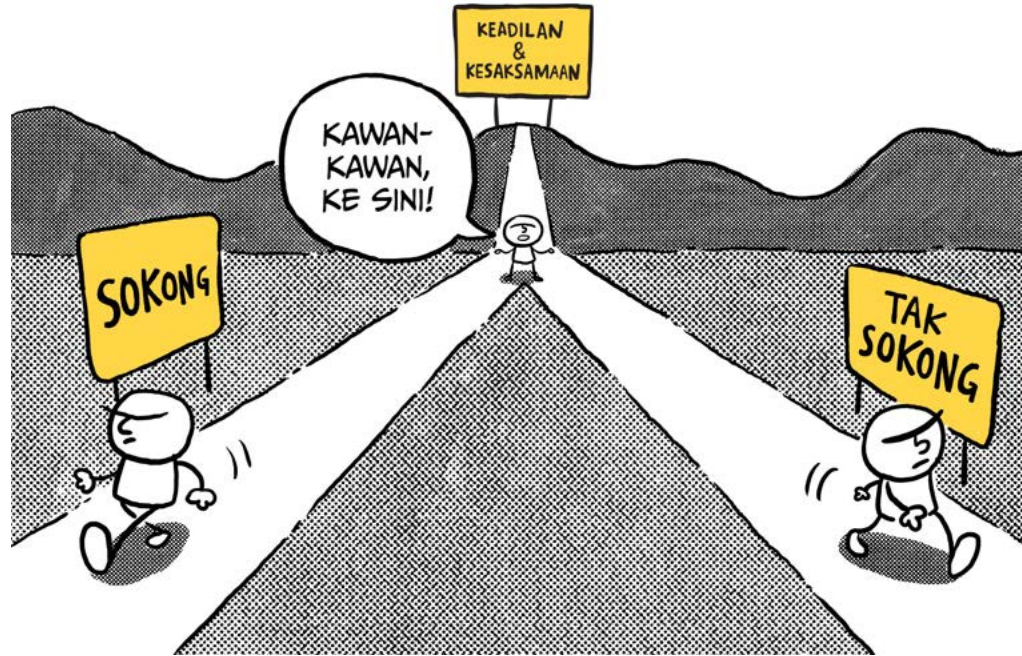
Negeri Sembilan 5% Terengganu 5%

Pahang 7% Kuala Lumpur 7%

RESULTS

A. General Views on the Death Penalty

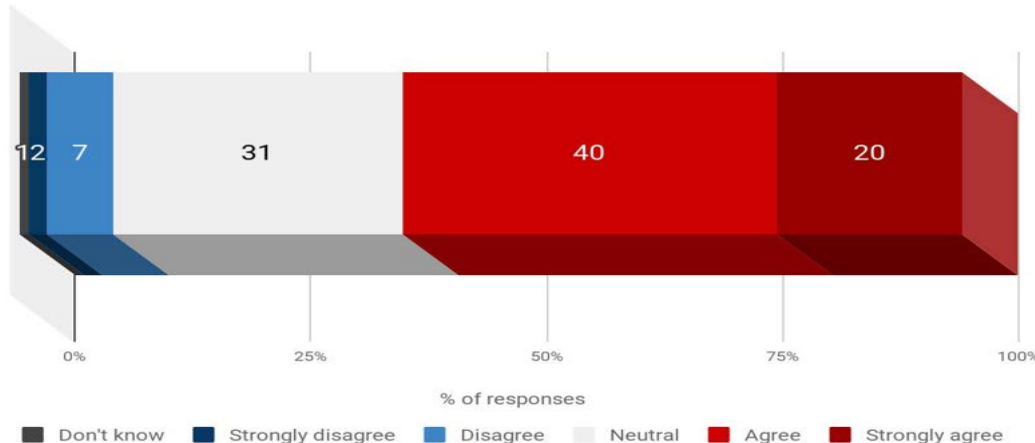
Not a Simple 'Yes' or 'No'



A majority, but not an overwhelming one, see death penalty as necessary...

Figure 1: Necessity of death penalty

"I think the death penalty is needed in a society"
How much do you agree or disagree with this statement?



60% of respondents - a significant but **not a conclusive** majority - feel that the death penalty is needed in a society.

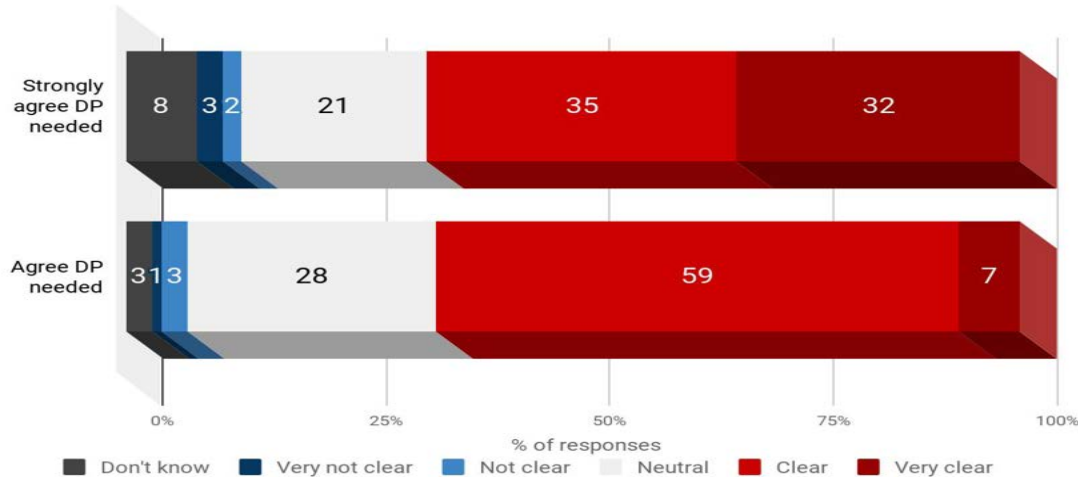
31% or almost a third of respondents, a significant proportion, are **neutral** (can neither agree nor disagree) on this question.

Malaysians appear to be more uncertain about the death penalty than 'yes/no' polls suggest.

Those in support of the death penalty are not necessarily clear-cut in their views

Figure 3: Clarity of views amongst death penalty supporters

"I think the death penalty is needed in a society" vs. "I have clear/definite views about the death penalty"

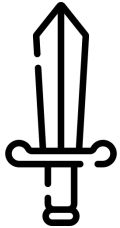


Even amongst those who agree or strongly agree that the death penalty is necessary, only 66% and 67% of them are firm in holding these views.

This result may indicate the gap between **instinctive** support for the death penalty with a **lack of familiarity** with the deeper substance of the issue.

Global research* on public attitudes has identified **4 key factors**

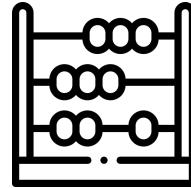
driving support or opposition for the death penalty,
which we tested.



Belief in
retribution



Belief in
deterrence



Cost
concerns/
pragmatism

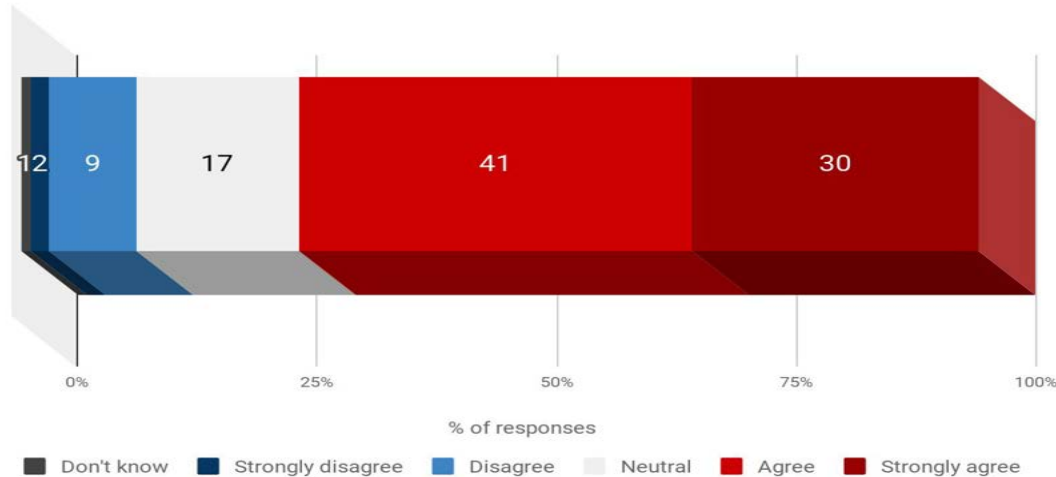


Belief in
rehabilitation/
alternative
sentences

A large majority believe in the notion of “just desserts” being achieved by the death penalty (1)

Figure 4: Belief in retribution 

“I would feel satisfied if those guilty of certain crimes died”
How much do you agree or disagree with this statement?



71% of respondents, a large proportion, would feel satisfied if those guilty of **certain crimes** paid for it with their lives. The idea of an **eye for an eye** is evidently prevalent in Malaysian society.

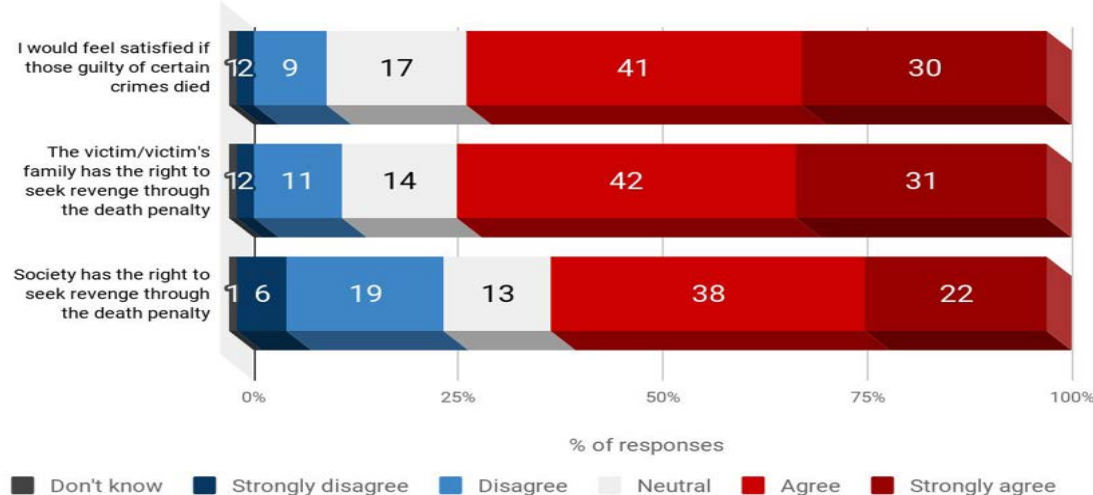
A large majority believe in the notion of “just desserts” being achieved by the death penalty (2)

Figure 5: Retribution for whom?



3 statements on retribution

How much do you agree or disagree with this statement?



The personal sense of satisfaction from retribution is more for the **sake of the victims** and victims' families than a sense of justice to society at large (though the latter is still important).

This indicates that **empathy for others' loss and suffering** is a major underlying driver of support for the death penalty but as will be shown by our other findings, **the circumstances and nature** of this loss is important.

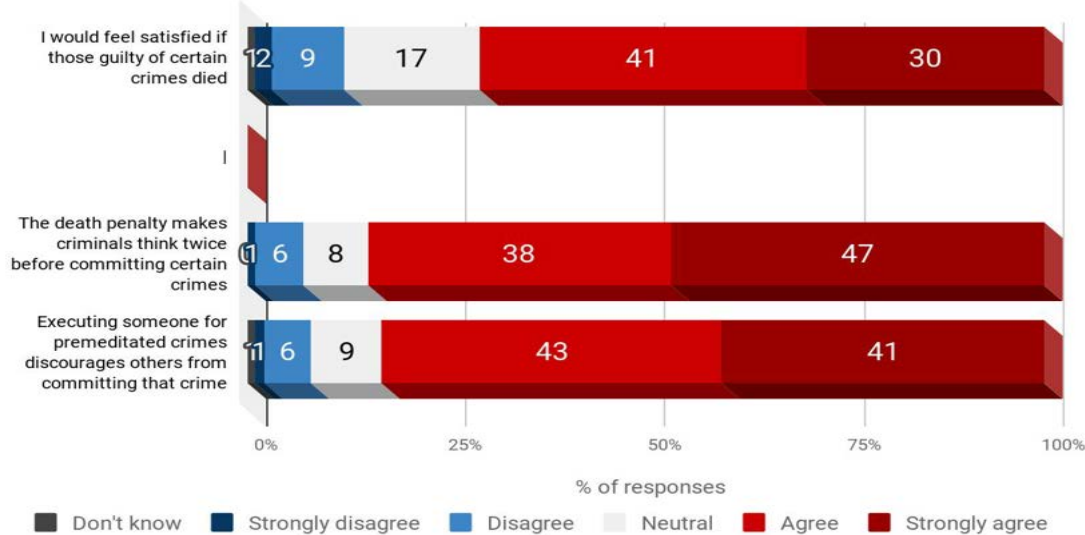
The notion of retribution is widespread, but belief in deterrence is even more widely held

Figure 6: Retribution vs. deterrence



1 retribution vs. 2 deterrence statements

How much do you agree or disagree with this statement?



Deterrence is a **significantly bigger** support factor for the death penalty than retribution. 84%–85% of respondents believe that the death penalty **discourages** others from committing certain crimes.

Despite extensive research in this area however, there is still **no conclusive evidence** as to whether the death penalty has a deterrent effect on crime rates*.

*<https://www.washingtonpost.com/news/wonk/wp/2014/04/30/theres-still-no-evidence-that-executions-deter-criminals/>

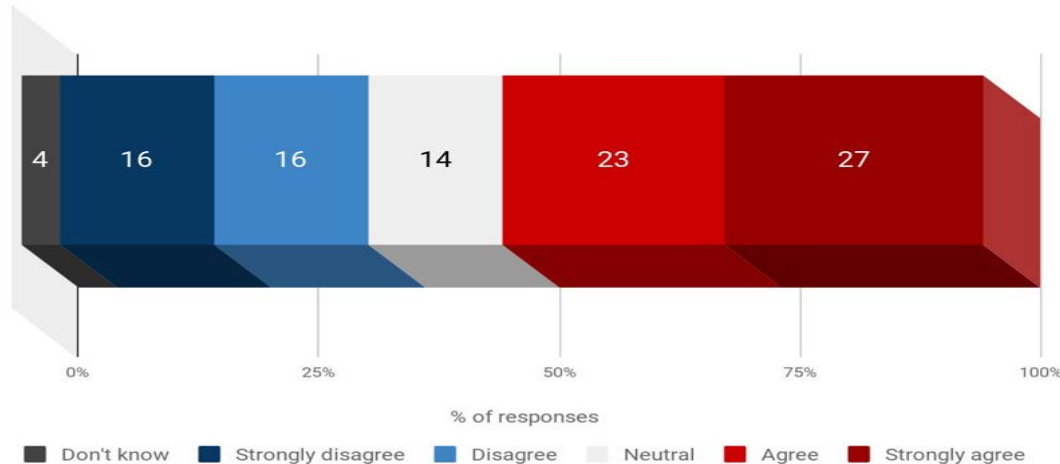
Cost pragmatism is not a strong factor

Figure 7: Comparing costs



"It is more cost-efficient to sentence to death rather than life imprisonment"

How much do you agree or disagree with this statement?



Respondents were **surprisingly divided** on whether the death penalty is more cost-efficient than the next alternative, life imprisonment. Only 50% agreed or strongly agreed with the premise.

This result may be due to an unwillingness to equate life with money or a lack of assessment. Respondents with a Bachelor's degree or higher were found to agree more on the cost-efficiency of the death penalty compared to non-degree holders.

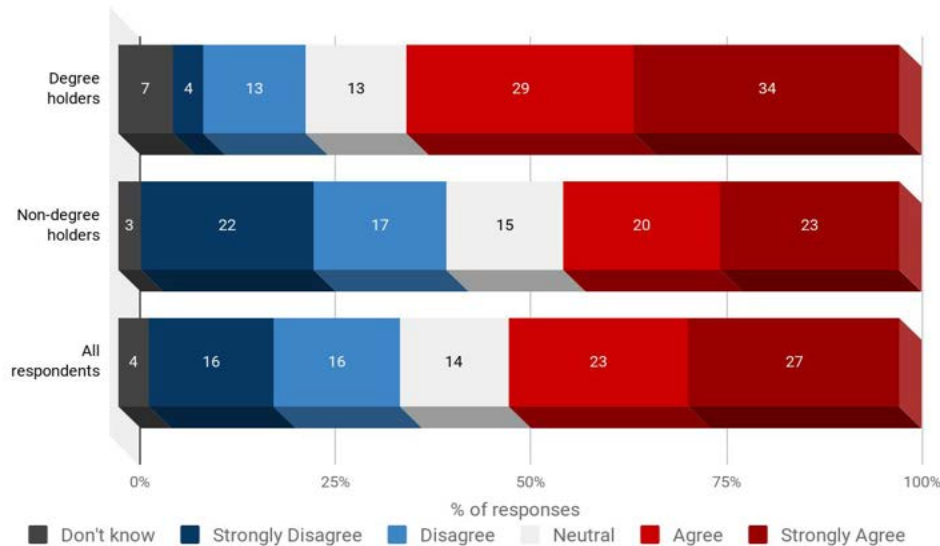
[BACKUP] Cost pragmatism is not a strong factor

Figure 7: Comparing costs



“It is more cost-efficient to sentence to death rather than life imprisonment”

How much do you agree or disagree with this statement?



For an objective question, respondents were **surprisingly divided** on whether the death penalty is more cost-efficient than the next alternative, life imprisonment. Only 50% agreed or strongly agreed with the premise.

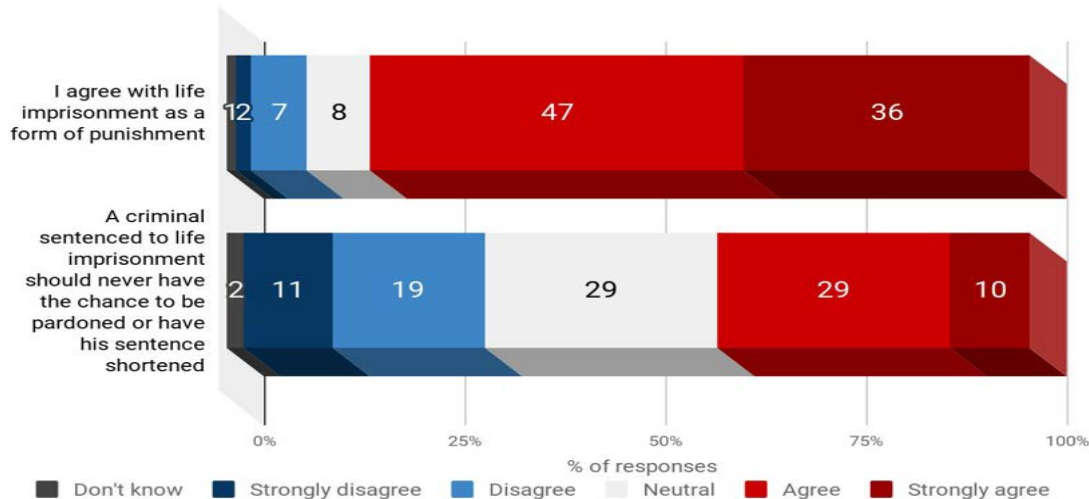
This result may be due to an unwillingness to equate life with money or a lack of assessment. Respondents with a Bachelor's degree or higher were found to agree more on the cost-efficiency of the death penalty compared to non-degree holders.

A large majority agree with life imprisonment. Fewer are for term reductions or pardons.

Figure 8: Belief in alternative sentencing and rehabilitation

2 statements testing this belief

How much do you agree or disagree with this statement?



83% of respondents, a large majority, agree with life imprisonment as a punishment.

However, a smaller majority of 68% either agree with or are undecided on the idea of second chances for those sentenced to life in prison. A sizeable 30% are against pardons or sentence reductions.

Overall, a **mixed picture** with respect to belief in the potential for rehabilitation.

Other research have found significant differences in views across demographics. In many countries where the research has been done, men and certain ethnicities have been found to be more likely to support the death penalty.

Our research found a few significant differences in attitudes toward the death penalty by age, ethnicity, level of education and income.

Age	Respondents who are 55 years old and above are 20% less likely to support the death penalty than ones between 18 to 25 years old.
Ethnicity	Chinese respondents are 16% more likely to support the death penalty than Malay/Bumiputera respondents. Indian respondents are 18% more likely to support the death penalty than Malay/Bumiputera respondents.
Education	Tertiary-educated respondents are 45% more likely to support the death penalty than secondary-educated ones.
Household Income	Respondents with a monthly household income of RM8,000 and above are 23% less likely to be pro-death penalty compared to respondents with monthly household income under RM3,000.

More than demographics, values and beliefs drive support for the death penalty.



Deterrence

Respondents who believe that the death penalty acts as a deterrent are **40% more likely** to support the death penalty.



Retribution

Respondents who believe in 'an eye for an eye' are **20% more likely** to support the death penalty.

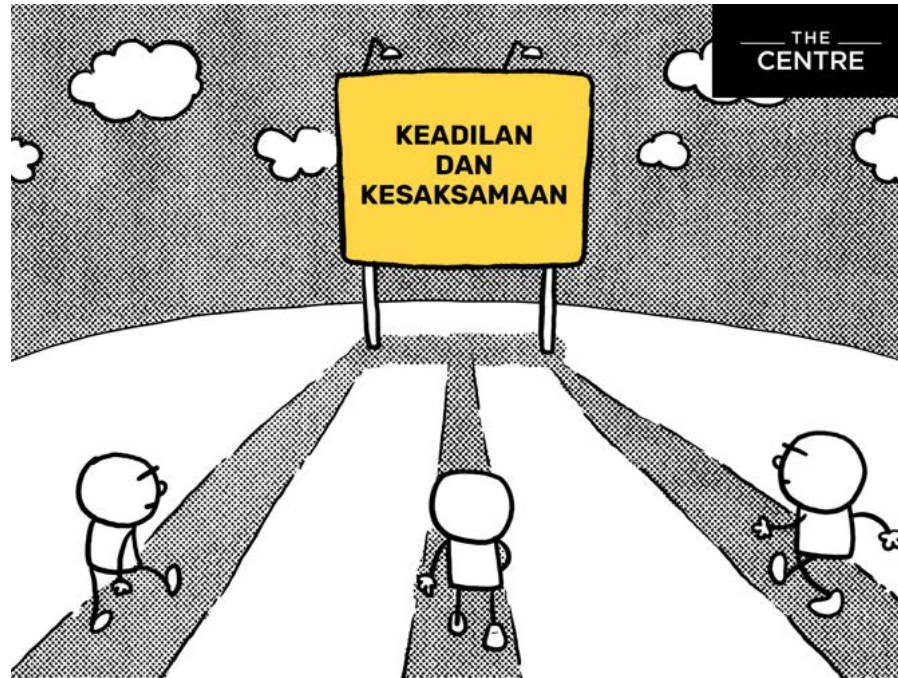


Cost/Pragmatism

Respondents who believe that the death penalty is more cost efficient vs. life imprisonment are **26% more likely** to support the death penalty.

B. Proportionality of Punishment

Sentences Befitting Severity and Intent



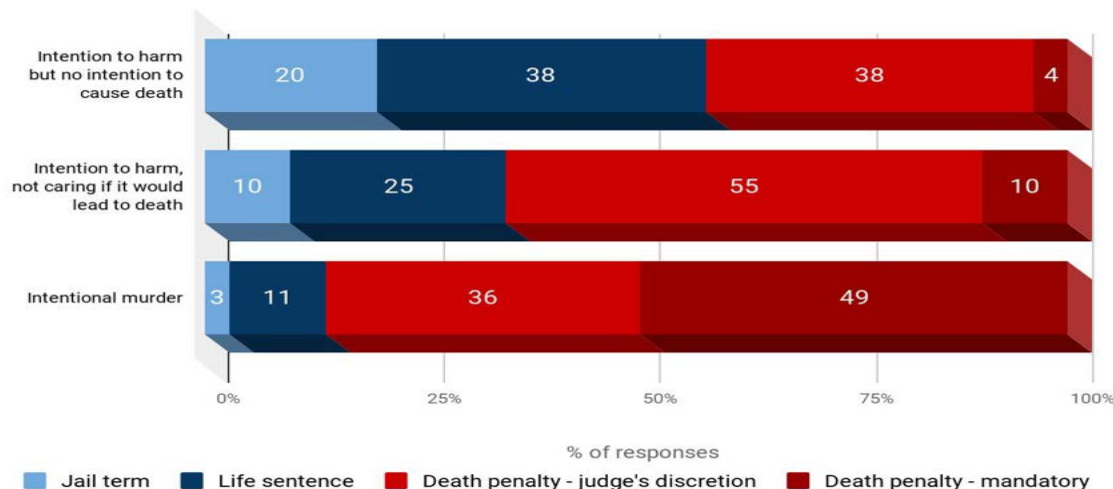
We put respondents' views on the death penalty to the test by presenting specific types of offences as well as mitigating factors drawn from actual cases.

Clear support for death penalty, including mandatory, for grievous harm with evidence of intention to kill

Figure 9: Maximum punishment for harm/murder

3 offences resulting in serious harm and/or death

What do you think should be the MAXIMUM punishment for these offences?



Respondents are increasingly pro-death penalty when crimes exhibit high levels of intention and aggression or severity.

85% of respondents chose the death penalty for intentional murders, with a very high level of support for the mandatory death penalty, almost 50%.

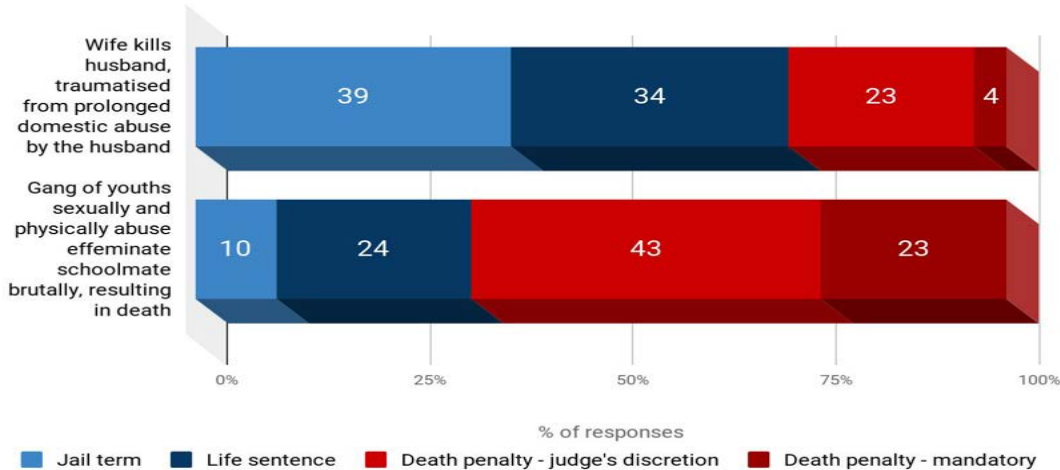
However, as the next page shows, when case facts are introduced, the pro-death penalty stance for premeditated murder is moderated.

Mitigating factors clearly moderated views on the death penalty, even for murder

Figure 10: Maximum punishment for two murder scenarios

Murders with mitigating vs. aggravating factors

What do you think should be the MAXIMUM punishment for these offences?



As mentioned in the previous page, 85% of respondents favoured the death penalty for intentional murder. However, when presented with case facts, only 27% chose the death penalty for the victim of domestic abuse found guilty of killing her abuser.

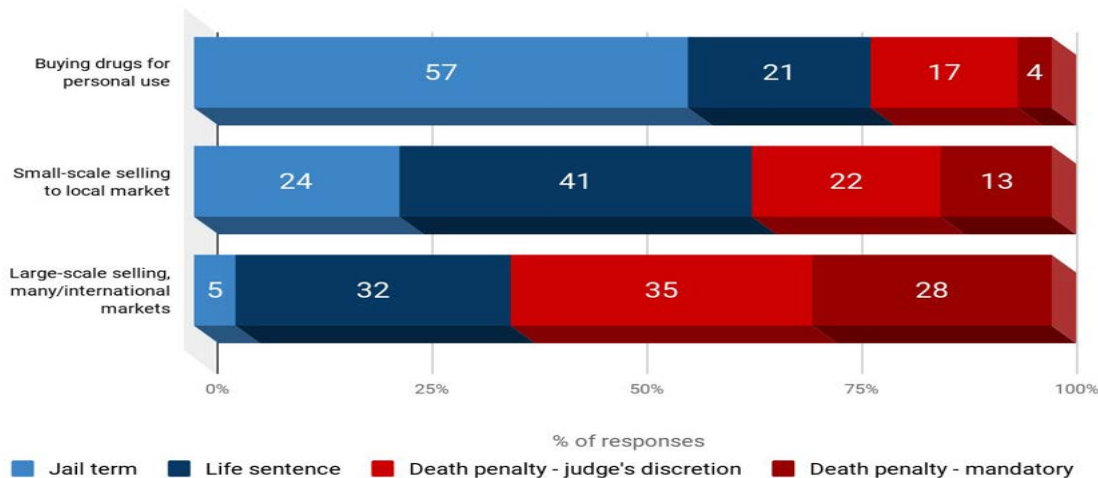
The case of the effeminate youth (T. Nhaveen case) who died from prolonged violent assault by his peers drew higher condemnation - 66% chose the death penalty. Even so, despite the brutal nature of the case, less than a quarter of respondents chose the **mandatory** death penalty.

Support for death penalty in drugs-related offences only significant for kingpins (1)

Figure 11: Maximum punishment for drugs-related offences - buying and selling

3 levels of buying and selling

What do you think should be the MAXIMUM punishment for these offences?



For small-scale buying and selling of drugs, those who favoured the death penalty were in the minority. However, over 61% of respondents chose the death penalty for kingpins with a high proportion, nearly 30%, calling for the mandatory death penalty.

Again, degree of crime severity and intention influence the level of support for the death penalty.

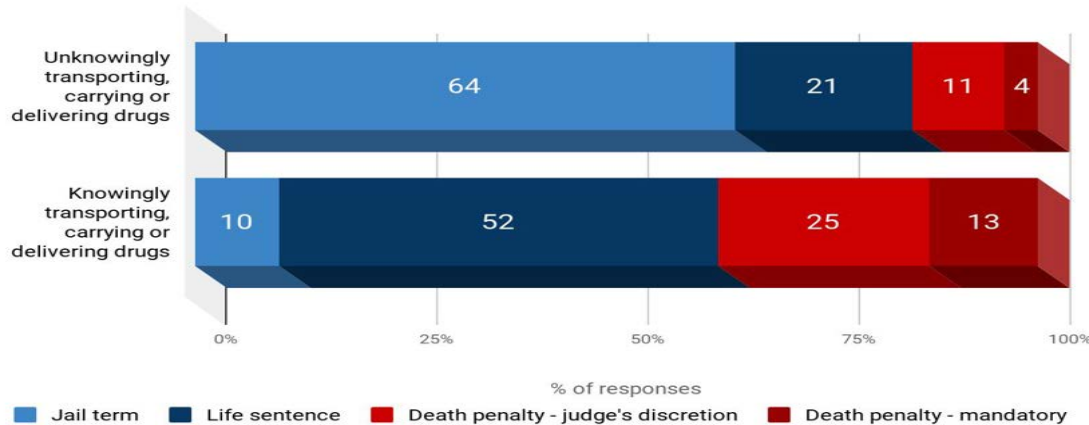
Though Malaysians are still conservative with respect to drugs, more proportionate sentencing in drugs-related offences would not appear to go against public opinion.

Support for death penalty in drugs-related offences only significant for kingpins (2)

Figure 12 Maximum punishment for drugs-related offences - transporting

Knowing and not knowing

What do you think should be the MAXIMUM punishment for these offences?



With respect to drug mules, only a small minority of respondents, 15%, are in favour of the death penalty for those who unknowingly transport drugs.

A larger proportion, 38%, call for the death penalty for those who knowingly transport drugs. This is similar to the results for small-scale buying and selling of drugs shown in the previous slide.

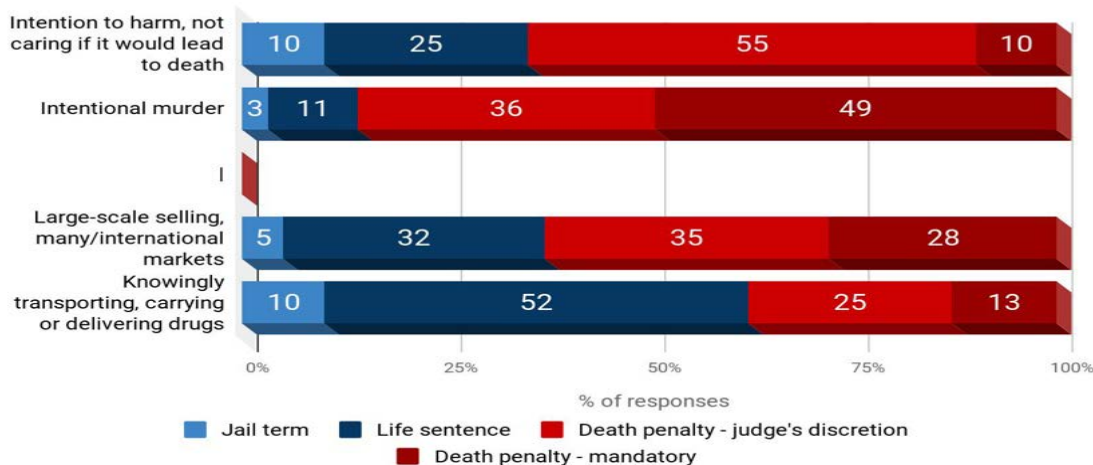
It is worth noting here that respondents were NOT asked about their familiarity with the burden of proof for proving lack of knowledge/intention in courts of law.

[BACKUP] Drugs vs. Grievous Harm/Murder

Figure 14 Maximum punishment for serious drug offences vs. serious harm/murder offences

A comparison

What do you think should be the MAXIMUM punishment for these offences?



Interestingly, support for the death penalty appear to be consistent *across* offences.

'Large-scale selling' of drugs or kingpins are seen to deserve the death penalty as much as those who cause grievous harm without caring if it would lead to death.

Looking Beneath the Surface: A Snapshot

60%

Of total

Respondents
who
agree or
strongly agree
that the death
penalty is
needed in
society



Only
3%

Of them

Voted for the
mandatory
death penalty
in the 'abused
wife' murder
scenario



Only
6-8%

Of them

Voted for the
mandatory
death penalty
in the two drug
carrying
scenarios

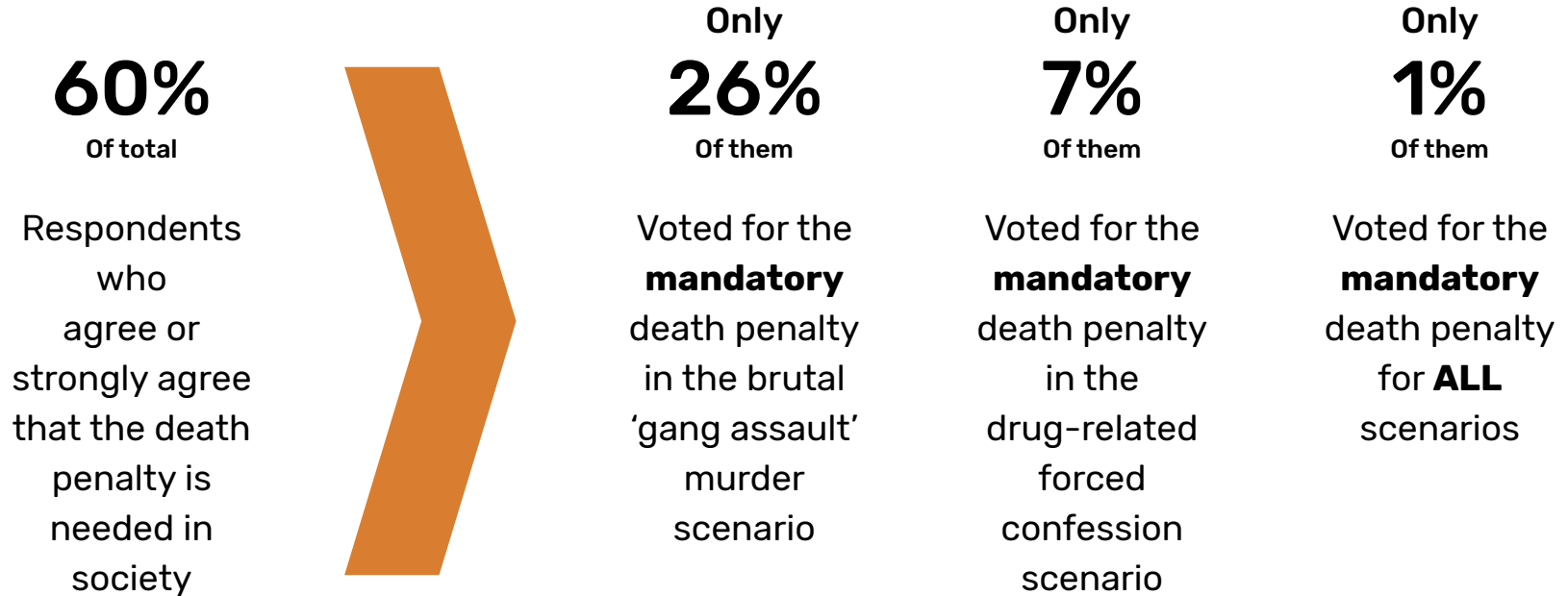


Only
1%

Of them

Voted for the
mandatory
death penalty
for **ALL**
scenarios

Looking Beneath the Surface: A Snapshot (2)



To cap the survey, respondents were asked to state when or under what circumstances the death penalty should be used.

What do you think about the death penalty?

Please tick all options that apply to you.

■ % of all respondents

Use it only for the most violent crimes such as violent rape and murder

73

Use it only for the most serious crimes such as terrorism or genocide

47

Confirming the results of other sections, support for **the death penalty is higher for violent and 'personal' crimes** such as rape and murder compared to terrorism or genocide despite the potentially higher death tolls.

This underscores the relevance of personal empathy with victims and their families in people's support for the death penalty.

What do you think about the death penalty?

Please tick all options that apply to you.

■ % of all respondents

Use it based on specific facts of the case

64

Use it only if the system (police, judiciary) is free of corruption

41

Use it only if the system (police, judiciary) works properly

55

The importance of case facts is relatively high, proving that **the public is interested in proportionality and mitigating factors**, which is also shown in the results to the scenarios section.

Some respondents acknowledged that the death penalty should only be used within a **working enforcement and judicial system** though the result is not compelling. The importance of a clean and competent system toward ensuring proper use of the death penalty does not seem to be apparent to the public.

To our surprise, **religion was not a major factor** vis-a-vis public support for the death penalty.

Respondents **didn't seem to believe much in rehabilitation** as well, at least when it comes to those sentenced to the death penalty. This perhaps underscores the relative conservatism of Malaysians in matters related to crime and punishment.

Only 4% of respondents thought the death penalty should not be used at all indicating that Malaysia has a long way to go before total abolition of the death penalty.

What do you think about the death penalty?

Please tick all options that apply to you.

— % of all respondents

Use it when justified and allowed by religion

42

Use it only if low possibility for the criminal to be rehabilitated

34

Don't use it at all

4

CONCLUSION

3 key takeaways from this study

1

60% of respondents – a small majority – feel that the death penalty is needed in society but a sizeable 31% are neutral on this question.

Even amongst those who feel the death penalty is needed, only two-thirds are clear or definite about their views.

Malaysians are not as supportive or firm on the death penalty as simple polls suggest.



2

Despite an absence of evidence, a large majority believe in the **detering power** of the death penalty. The desire for **retribution** is also a strong driver, mainly on behalf of victims and their families.

This pattern of beliefs are in line with the increasing support for the death penalty for **very violent and personal crimes**. Murder and rape are seen to deserve the death penalty by significantly more respondents than terrorism and genocide.

3

Support for the death penalty is highest for premeditated serious crimes but drops significantly for crimes with the same outcomes but without the intent or knowledge. Support for the death penalty drops even further with mitigating facts such as age or duress.

Except for the most violent and intentional crimes, **less than 15% of respondents support the mandatory death penalty.**



Concluding thoughts

The findings from our survey show how much more conditional and nuanced is Malaysian public opinion on the death penalty than 'yes/no' polls suggest.

Based on the responses to the more minor offences however, particularly those related to the transportation or possession of drugs, we suspect that public support for the death penalty and the mandatory death penalty would be even lower if there was greater understanding of the investigation, judicial and sentencing process.

To policymakers and lawmakers, we advocate the use of more research-backed and extensive public opinion studies rather than allowing broad public polls to set the public tone and potentially slow or even halt reform.

To anti-death penalty activists: the death penalty is still considered necessary by a majority, even if mainly symbolically. For greater impact, activism and advocacy should prioritise proportionate sentencing – which could include progressive abolition of the death penalty – particularly for drugs-related offences.



■ About The Centre

The Centre is a research organisation dedicated to centrist views in the Malaysian context. The core team members come from diverse backgrounds but share a commitment to the values of non-partisanship, compassion and pragmatism.

Figures or graphs seem unclear? This report can also be read on centre.my through the links below:



[Do Malaysians Really Support The Death Penalty?](#)



[When Do Malaysians Support The Death Penalty?](#)

For queries or further information, email us at editorial@centre.my.