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### Do You Really Know What Happened to Psy?: Controversial South Korean Music Censorship

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**Entertainment Law Initiative**

**The 22nd Annual Entertainment Law Initiative Writing Competition**

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Title of the Essay:

**Do You Really Know What Happened to Psy?:**

**Controversial South Korean Music Censorship**

## **I. Introduction**

Since 2012 when Psy won international sensation over his song, “Gangnam Style,” everyone was wondering which artist or group will take the baton from Psy and continue international hype over Korean Pop (K-Pop). Finally, after performing on American Music Award in 2017, the Korean boy band called, Bangtan Boys (BTS), stood out as the successor of Psy in K-Pop. In the meantime, what the international fans did not see is the domestic music censorship controversy around Psy’s music. In this essay, the topic of South Korean music censorship will be explored with examples of Psy and BTS. The essay will begin by explaining the history and current development of South Korean music censorship process.

## **II. South Korea’s Domestic Process for Music Censorship**

### **A. Governmental Music Censorship**

#### **i. Development of Governmental Music Censorship**

While the United States enacted the Radio Act of 1927 to establish the Federal Radio Commission (FRC) to regulate radio and replaced the FRC with the Federal Communication Commission through the Communications Act of 1934 to regulate wire communication by levying fines to stations referencing sex or drug, South Korea began censoring music to maintain the governmental regime at the time, rather than simply focus on protecting youth.

#### **a. Before Independence**

In 1933, the Governor-General of Chosen Dynasty, the chief administrator of the Japanese colonial government, enacted the Regulations for the Control of Record<sup>1</sup> to strengthen effective colonial rule. The crackdown was strengthened through the Revised Publication Law of 1934<sup>2</sup> and further strengthened through the establishment of Chosen Association of Drama and Culture.<sup>3</sup> Since 1943, the release of records in Korean has been banned.<sup>4</sup>

#### **b. After Independence and During Political Instability**

After the National Liberation and the Korean War, in 1957, the government's censorship on popular music resumed through the establishment of the Music Broadcasting Committee under the Press Office.<sup>5</sup> Following the May 16 Military Coup in 1961, under the umbrella of the Korea Broadcasting Ethics Committee established in 1962, in 1965, the Music Advisory

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<sup>1</sup> The Academy of Korean Studies, *Banned Song*, Encyclopedia of Korean Culture (2013), <http://encykorea.aks.ac.kr/Contents/Item/E0072200> (last visited Dec. 29, 2019).

<sup>2</sup> Jinseok Jung, *Censorship and Repression of the Top Secret of the Governor-General of Chosen Dynasty: Japan's Invasion and Power Control of the Press* 82 (CommunicationBooks, Inc. ed. 2008).

<sup>3</sup> Hanyang University’s Industry-University, *A Study on the Development Plan of the Youth Protection Committee* 11 (Ministry of Gender Equality and Family ed. 2013).

<sup>4</sup> Yeongjun Kim, *History of Korean Song* 411 (AREum Publisher ed. 1994).

<sup>5</sup> Okbae Moon, *Study on Musical Regulation Aspect of Korean Modern Period (1945-)* (National Research Foundation of Korea’s Korean Research Memory ed. 2005), [https://www.krm.or.kr/krmrts/link.html?dbGubun=SD&m201\\_id=10012378&res=y](https://www.krm.or.kr/krmrts/link.html?dbGubun=SD&m201_id=10012378&res=y) (last visited Dec. 29, 2019).

Committee was established to conduct censorship on the music after they were broadcasted in television-aired program (hereinafter, “Post Review”).<sup>6</sup>

Any censorship review on records before being distributed (hereinafter, “Preliminary Review”) was conducted by the Art and Culture Ethics Committee (ACEC), an autonomous body of more than 10 cultural organizations started in 1966.<sup>7</sup> In 1975, the role of ACEC had grown followed by a series of emergency measures aimed at extending Chung-hee Park's dictatorship regime and at suppressing insurgents. In 1976, ACEC released the ‘Purification Measures’ to carry out extensive censorship.<sup>8</sup>

### c. After Democratization

In 1987, the end of military dictatorship lifted a ban on a few songs, and later in 1994, due to the democratization of society, the Korean Broadcasting Commission, established in 1981, reviewed the censored songs and lifted the ban.<sup>9</sup>

It was not until in 1997 when the Youth Protection Act<sup>10</sup> was enacted and the Censorship Review System (CRS) was implemented to protect the youth against all kinds of harmful social environments, to relieve them from these harmful environments and to ensure that they may grow as the persons of fine character. The CRS is carried out by different agencies depending on the materials under review for censorship: the Commission on Youth Protection (CYP) under the Ministry of Gender Equality and Family (MGEF) over music records (hereinafter, “M/R”); the Korean Publication Ethics Committee over publications; the Korea Communications Standards Commission (KCSC) over broadcasted programs; the Korea Media Rating Board (KMRB) over videos and performances; and the Game Rating and Administration Committee over games. Each agency follows different laws and regulations that created them, so each agency’s standard of applying the CRS is different, which leads to discrepancy of interpretation and application of the CRS.

### ii. Critique on the Current Governmental Music Censorship

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<sup>6</sup> National Archives of Korea, *Popular Song, Taboo and Autonomy*, <http://theme.archives.go.kr/next/tabooAutonomy/kindOfTaboo04.do> (last visited Dec. 29, 2019) (laying out the Post Review criteria: ① lyrics and singing methods that may undermine national dignity and national pride; ② songs that are remarkably dark impressions in decadent, vanity and pessimistic ways; or ③ whether songs of the morning and the late night can be broadcasted according to the time of day; ④ whether songs of foreign singers can be sung in Korean translation; or ⑤ ban over songs have too similar motif or too strong sense of imitation due to plagiarism; ⑥ ban over songs by North Korean defector-composers and -lyricists).

<sup>7</sup> National Archives of Korea, *Art and Culture Ethics Committee*, Information on History of Organizations, <http://theme.archives.go.kr/next/organ/organBasicInfo.do?code=OG0027349> (last visited Dec. 29, 2019).

<sup>8</sup> *Id.* (laying out the Purification Measures on albums which: ① may adversely affect national security and harmony; ② may recklessly introduce and imitate foreign trends; ③ may contain contents of defeat, self-abuse, or criticism; or ④ may contain contents of debauchery or decadence).

<sup>9</sup> The Academy of Korean Studies, *Korean Broadcasting Commission*, Encyclopedia of Korean Culture, <http://encykorea.aks.ac.kr/Contents/Item/E0021723> (last visited Dec. 29, 2019).

<sup>10</sup> Youth Protection Act, Act No. 5297, Sept. 07, 1997, art. 1, (S. Kor.), *translated in* Korea Legislation Research Institute online database, [http://elaw.klri.re.kr/kor\\_service/lawTwoView.do?hseq=49561](http://elaw.klri.re.kr/kor_service/lawTwoView.do?hseq=49561) (scrolling down to the last item required).

Do You Really Know What Happened to Psy?:  
Controversial South Korean Music Censorship

The latest Youth Protection Act's Article 9<sup>11</sup> lays out criteria for examination of media products harmful to youth and reaches a result of its examination under Article 7<sup>12</sup>. Although the constitutional justification exists in a public policy of protecting the youth, the language is not clear enough for each agency to clearly understand the language of the Act. For instance, what does cause youth's sexual desire or urge to commit crime? What does it mean for a media product to provoke or glamorize violent acts? – if a record advocates no substance use by mentioning drugs, how would this be decided? What are definitions of: significantly harmful to the healthy lives of youth; anti-social; unethical; obviously likely to harm; and so on?

Starting in 2011, the CRS over the M/R is initially conducted by the Music Review Committee (MRC), comprised of private experts in related fields such as youth, citizens, parents, education, legal, broadcasting, media, and music criticism.<sup>13</sup> The MRC brings in youth-related experts to review the harmfulness of the records, not the artistry of them, but the MRC has no legal basis and no publicly released guideline on how the MRC reaches its decision. The MRC's decision will be finalized by the CYP. There is only one rating in M/R: Rated-R which will be only available to users over the age of nineteen after verifying that they are legal adults either by correctly putting the verification code sent to the phone under the users' names or by submitting the users' accredited certificate from bank accounts under the users' names (hereinafter, "Adult Verification Steps").

While the MRC reviews M/R with the CYP's finalization on the results of the reviews, the KMRB has started reviewing and putting censorship over music videos (hereinafter, "M/V") in 2012 when the Promotion of the Motion Pictures and Video Products Act's Article 50, Section 1, Clause 2<sup>14</sup> was amended to ban online distribution of music videos which do not go through the KMRB's CRS. The KMRB created the 'Video Product Rating Subcommittee,'<sup>15</sup> comprised of more than five but less than ten members who can bring in diverse range of age and more than five years of work experience preferably in the field of video-related, education, culture, media, legal, youth and civil organizations. No governmental civil servants or politicians can apply to be

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<sup>11</sup> Youth Protection Act, Act No. 5297, Sept. 07, 1997, *amended by* Act No. 15987, Dec. 18, 2018, art. 9, (S. Kor.), *translated in* Korea Legislation Research Institute online database,

[http://elaw.klri.re.kr/kor\\_service/lawView.do?hseq=49561&lang=ENG](http://elaw.klri.re.kr/kor_service/lawView.do?hseq=49561&lang=ENG) (laying out the criteria of a harmful media product to youth: ① if a media product is lewd or obscene to arouse youth's sexual desire; ② if a media product is likely to urge youth to commit an atrocity or crime; ③ if a media product provokes or glamorizes violent acts in various forms, including sexual violence, and the abuse of drugs; ④ if a media product induces youth to gambling and speculation or is likely to significantly harm the healthy lives of youth; ⑤ if a media product is anti-social or unethical to hinder youth's formation of good character and citizen consciousness; or ⑥ if a media product is obviously likely to harm the mental or physical health of youth in any other aspect).

<sup>12</sup> *Id.* at art. 7.

<sup>13</sup> Press Release, Ministry of Health and Welfare, Government Youth Commission Reviews Records' Harmfulness toward Youth (Nov. 01, 2011),

[http://www.mohw.go.kr/upload/viewer/skin/doc.html?fn=%25EB%25B3%25B4%25EB%258F%2584%25EC%259E%2590%25EB%25A3%258C\(%25EC%259D%258C%25EB%25B0%2598%25EC%258B%25AC%25EC%259D%2598\).hwp&rs=/upload/viewer/result/201912/](http://www.mohw.go.kr/upload/viewer/skin/doc.html?fn=%25EB%25B3%25B4%25EB%258F%2584%25EC%259E%2590%25EB%25A3%258C(%25EC%259D%258C%25EB%25B0%2598%25EC%258B%25AC%25EC%259D%2598).hwp&rs=/upload/viewer/result/201912/) (last visited Dec. 29, 2019).

<sup>14</sup> Promotion of the Motion Pictures and Video Products Act, Act No. 8345, Apr. 11, 2007, *amended by* Act No. 11314, Feb. 17, 2012, art. 50, (S. Kor.), *translated in* Korea Legislation Research Institute online database, [http://elaw.klri.re.kr/kor\\_service/lawView.do?lang=ENG&hseq=25348](http://elaw.klri.re.kr/kor_service/lawView.do?lang=ENG&hseq=25348).

<sup>15</sup> Operation Regulation of the Video Product Rating Subcommittee, Jun. 10, 1999, *amended in* May 23, 2019, art. 5-7 (S. Kor.), <http://kmr.or.kr/data/statuteData.do> (extra click of the first file required) (last visited Dec. 29, 2019).

a member and the Chairperson of the KMRB approves the commission of any members through the recommendation or request of related organizations and non-profit civil and social private organizations. Any M/V will be assessed by the following ratings<sup>16</sup>: ‘Video suitable for all ages’; ‘Video intended for audiences 12 and over’; ‘Video intended for audiences 15 and over’; ‘No one under 18 is allowed to watch this Video’; and ‘Video needs a certain restriction in screening or advertisement as it is considered a highly bad influence to universal human dignity, social value, good customs or national emotion due to excessive expression of nudity, violence, social behavior, etc.’

Therefore, both the CRS over M/R and M/V are Preliminary Reviews. However, not all M/R have M/V, but when a M/R gets Rated-R sticker on, its M/V will automatically get ‘No one under 18 is allowed to watch this Video.’ To listen to it or to watch its M/V, only users who successfully completes the Adult Verification Steps can have access to the M/R or the M/V.

## **B. Stations’ Self-Regulated Music Censorship**

### **i. Current Stations’ Self-Regulated Music Censorship**

Each station has the self-regulated CRS based on the KCSC’s CRS and their own committee for the CRS,<sup>17</sup> and as representative examples, the Korean Broadcasting System (KBS) and the Munhwa Broadcasting Corporation (MBC) require the applicant to submit the final version of the M/R, to re-submit the same song from a digital single when it is packaged in a regular album, to submit separate written file for lyrics which is the same lyrics as the submitted records, to write Korean translation for English lyrics, and to indicate performers involved in the production of sound recording.

Despite having no separate publicly released guideline, at least the KBS weekly releases online the results of its CRS and reasons for disapproval over both M/R and M/V.<sup>18</sup> Some songs that were initially rejected were approved after modifying the lyrics at issue.

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<sup>16</sup> Korea Media Rating Board, Classification Categories, <http://www.kmr.or.kr/global/index.html> (last visited Dec. 29, 2019).

<sup>17</sup> Migyeong Sung & Siyeol Kim, A Study on the Introduction of Autonomous Review System for Music Video: Focusing on Autonomous Review Guide and Follow-up Measures 27 (Korea Creative Content Agency ed. 2018), <http://www.kocca.kr/cop/bbs/view/B0000147/1838307.do?menuNo=201825#> (last visited Dec. 29, 2019) (describing the KBS’ Pop Music Rating Committee, comprised of seven members: one Chairman; three members; one from the Korean language department; head of the television production team; and head of the radio production team) (describing the MBC’s Rating Committee, comprised of more than six but less than ten members from the television and radio production team).

<sup>18</sup> Korean Broadcasting System, Music & Music Video Rating Board, [http://www.kbs.co.kr/board/board.html?bbs\\_loc=X2017-0031-04-699231.list.%EA%B3%B5%EC%A7%80%EC%82%AC%ED%95%AD,1.1](http://www.kbs.co.kr/board/board.html?bbs_loc=X2017-0031-04-699231.list.%EA%B3%B5%EC%A7%80%EC%82%AC%ED%95%AD,1.1) (last visited Dec. 29, 2019) (laying out reasons for disapproval: songs that may damage the dignity of the nation and the pride of the people; songs that plagiarized domestic and international songs; songs judged to express the sex scenes of men and women; songs of singing methods that are too noisy or disorderly with horrible shrieks or shouts or too repulsive with pitch or pronunciation of lyrics; lyrics that might distort historical facts or undermine the basic order of the nation and society; lyrics that promote unhealthy or antisocial values or materialism; lyrics that may mediate or encourage the taking or use of harmful drugs to juveniles, drugs, or other illegal acts; lyrics of sensational, decadent and indecent content that directly portray or relate to the sex of men and women or homosexuality; lyrics of unhealthy contents that disrupt the purity of family life such as adultery and statutory rape; lyrics that may undermine national sentiment such as swear words, slang words or vulgar language; contents that depict specific body parts or that beautify or promote physical or mental abuse, including sexual assault, suicide, or self-abuse; lyrics that aggravate

An applicant who submits one's music for a review for censorship can choose either the governmental or the self-regulated stations' CRS. Despite subjectively interpreted self-regulation of each broadcast stations, the applicant usually prefers the self-regulated stations' CRS for not having a separate fee for review and for conducting quicker review.

ii. **Critique on the Current Stations' Self-Regulated Music Censorship**

Similar to the different interpretation of individual agencies, each broadcasting station has its own rules, which eventually leads to inconsistent results of approval or disapproval over the same song. Moreover, in the process of CRS, there is a higher chance of unreleased songs or lyrics getting leaked due to the stations' mishap, which can cause major obstacles and losses in the release schedule and promotion plan. Even when there is no leak, untimely results will trigger adjustments and changes to the release schedule and the promotion plan.

With a basis knowledge of South Korean domestic process for music censorship, the topic of what happened to Psy's music will be discussed.

III. **Controversy over Psy and His Music**

A. **Drug Charge**

Psy's public and private journeys since his debut are important to have a deeper understanding on controversy over his music. Debuted in 2001, Psy released his first album with no Rated-R songs<sup>19</sup>, but his debut was not so spectacular because of a criminal charge under Article 60 of the Narcotics Control Act<sup>20</sup> with a fine of 500 million won in Korean currency for smoking marijuana. In early 2002, his second album was released with seven Rated-R songs out of fourteen filled with frustration and anger towards the society.

B. **Alternative Military Service**

Due to harsh criticism towards extremely vulgar, sensational, and macho-like language, both of his next third album released in later 2002 and fourth album in 2006 were clean without any Rated-R songs. There was couple of years of break, as he performed his military duty as a

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or create anxiety or fear by over-expressing or beautifying the violent or criminal acts, or cruelty; lyrics that may demean people with disabilities through the use of independent words, idioms, or figurative expressions, etc. or may cause psychological concern; lyrics that condemn or defame certain countries, races or religions; lyrics that slander or despise a specific person, group, or occupation; lyrics that disrupt the fairness and objectivity of broadcasting; lyrics that does not match the word or spelling, or that interfere with proper linguistic practice through the use of infantile language; lyrics that use a foreign language with swear words, vulgar language, or Japanese that disrupts proper linguistic practice; lyrics that violate Article 46 of the Broadcast Deliberation Regulations on the limit of advertising effect by mentioning the brand of a specific product; or lyrics that violate related regulations of broadcasting deliberation)

<sup>19</sup> Melon Music, *Artist Channel: Psy: Regular Albums*, Kakao Corp, [https://www.melon.com/artist/album.htm?artistId=3865#params%5BlistType%5D=1&params%5BorderBy%5D=IS\\_SUE\\_DATE&params%5BartistId%5D=3865&po=pageObj&startIndex=1](https://www.melon.com/artist/album.htm?artistId=3865#params%5BlistType%5D=1&params%5BorderBy%5D=IS_SUE_DATE&params%5BartistId%5D=3865&po=pageObj&startIndex=1) (last visited Dec. 29, 2019).

<sup>20</sup> Narcotics Control Act, Act No. 6146, Jul. 01, 2000, art. 60, (S. Kor.), *translated in* Korea Legislation Research Institute online database, [http://elaw.klri.re.kr/kor\\_service/lawTwoView.do?hseq=43331](http://elaw.klri.re.kr/kor_service/lawTwoView.do?hseq=43331) (scrolling down to the last item required).

Korean male citizen from 2003 to 2005 by working at his father's company's subsidiary company's computer software development department as an alternative to serving in the military.<sup>21</sup> In 2004 when the MBC's current affairs program reported his military service exception, the program brought allegations over: that Psy did not have the necessary qualifications for the department; that he bribed the military to get the alternative service; and that it was unfair to work at a place where his father's position as a president of his company can be an influence; and that there were too many times that Psy was absent from his alternative service due to frequent request for his musical performances. In 2007, the prosecution investigated into this matter and found Psy to be not guilty of being unqualified for his alternative service and of bribery. Nonetheless, the prosecution further concluded that Psy's work description does not qualify for proper military alternative service and that his frequent absence had not filled his time, thus that his military duty was not properly fulfilled. The prosecution ordered an administrative measure, so the Military Manpower Administration informed Psy on return to active duty. Psy was re-enrolled on in later 2007 and was discharged in 2009 after 20 months of military service.

### C. “Right Now” Controversy

His fifth album released in 2010 had four Rated-R songs out of twelve. One particular Rated-R song due to use of slang called, “Right Now,” is crucial to remember for an upcoming controversy. Then, his sixth album released in 2012 had one Rated-R song out of six and became an international hit with his famous song, “Gangnam Style.” He promised that he would have a free performance of horse dance, a signature dance choreography from “Gangnam Style,” with no shirt on if his song gets number one on the Billboard chart (hereinafter, “Promise Concert”). Nevertheless, he announced that he will carry out his promise regardless of his song's ranking on the chart without getting permits for public performances yet.<sup>22</sup> The mayor and the government of Seoul City expressed their assistance for the Promise Concert in two days by quickly wrapping up a scheduled music festival<sup>23</sup> and by limiting automobile access from entering the central district. On October 03, 2012, Psy performed in front of the Seoul City Hall “Gangnam Style” but also “Right Now,” the Rated-R song and the second-most-viewed M/V of Psy despite the Adult Verification Steps.<sup>24</sup>

Under Article 7, Section 4 of the Youth Protection Act<sup>25</sup> on examination and determination of media products harmful to youth, the CYP shall request relevant authorities,

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<sup>21</sup> Brian Lee, *Pop singer ‘Psy’ Ordered to Serve in the Military*, Korea Joongang Daily (Jul. 16, 2007), <http://koreajoongangdaily.joins.com/news/article/article.aspx?aid=2878076>.

<sup>22</sup> Carla Sunwoo, *Psy to Let it All Hang Out Tonight at City Hall*, Korea Joongang Daily (Oct. 04, 2012), <http://koreajoongangdaily.joins.com/news/article/article.aspx?aid=2960281>.

<sup>23</sup> See Sun-min Ki, *Psy’s Free Concert Strikes a Sour Note*, Korea Joongang Daily (Oct. 12, 2012), <http://koreajoongangdaily.joins.com/news/article/article.aspx?aid=2960680> (describing one graduate student's suit filed against the Seoul City for canceling the pre-scheduled music festival earlier due to Psy's Promise Concert).

<sup>24</sup> Even if his M/V under his channel on Youtube required the Adult Verification Steps, there were ways to view his M/V: one example is for any users to record their own screen playing “Right Now” M/V and upload that recording; another example is for any users to use his music as a background music with random photos of his or, most of the time, lyrics of Korean, English, and Romanized Korean. However, this essay focuses on South Korean domestic music censorship, rather than loopholes in Youtube.

<sup>25</sup> Youth Protection Act, Act No. 5297, Sept. 07, 1997, *amended by* Act No. 11229, Jul. 27, 2012, art. 7, (S. Kor.), *translated in* Korea Legislation Research Institute online database, [http://elaw.klri.re.kr/kor\\_service/lawView.do?lang=ENG&hseq=27676](http://elaw.klri.re.kr/kor_service/lawView.do?lang=ENG&hseq=27676).

without delay, to impose criminal punishment or make an administrative disposition, unless an examining authority has a different procedure prescribed by a relevant Act or subordinate statute, the procedure shall apply to such cases. Under Article 243 of the Criminal Act<sup>26</sup> on distribution of obscene media, any person who performs any obscene media shall be punished by imprisonment for not more than one year or by a fine not exceeding five million won.

The CYP faced a critical question of whether to criminally charge Psy. On October 05, 2012, the CYP under the MGEF announced that it voluntarily reviewed its decision over more than 300 Rated-R songs along with “Right Now” and lifted the Rated-R rating over them.<sup>27</sup> Both the CYP and the MGEF faced great amount of criticism: that their CRS is outdated; that they have put promoting South Korea through Psy over their public policy of protecting youth; that they hurriedly overturned their own decision so that they would not have to criminally charge Psy and all the underaged audience who sang “Right Now” at the Promise Concert and who technically “distributed” the song by singing it, which was impossible to track them as the Promise Concert was an open-invite event; and that their overturning decision would cause great financial damage to producers and distributors of those songs which could have generated more profits if the Rated-R was not initially imposed on them.

Afterall, Psy received the Okgwan Order of Culture Merit from the Korean Ministry of Culture and Tourism at the Korean Pop Culture Art Award in later 2012.<sup>28</sup>

#### **D. “Gentleman” Controversy**

Next, M/V of “Gentleman,” Psy’s next single released in 2013, received different results from various broadcasting stations: from the KBS, it received ‘Unqualified for broadcasting’ due to an impression of encouraging damaging public facilities from a scene where Psy kicks a parking lot cone on the street; from the MBC ‘Video intended for audiences 15 and over’; and from the Seoul Broadcasting System ‘Video intended for audiences 12 and over’. Once Psy went through the stations’ CRS, there was no need to resubmitting M/V of “Gentleman” for the governmental CRS. Indeed, Psy paid more attention on international reaction to the M/V through Youtube, rather than relatively limited domestic distribution and access on television. Psy’s agency did not resubmit the M/V, but the KBS admitted that its decision was a faulty one and voluntarily reviewed the M/V again. Still, the KBS reached the same conclusion of ‘Unqualified for broadcasting.’

In 2015, Psy released his seventh album with no Rated-R songs out of nine and in 2017, his eighth album with one Rated-R song out of ten.

#### **IV. Psy v. BTS**

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<sup>26</sup> Criminal Act, Act No. 293, Oct. 03, 1953, *amended by* Act No. 10259, Oct. 16, 2010, art. 243, (S. Kor.), *translate in* Korea Legislation Research Institute online database,

[http://elaw.klri.re.kr/kor\\_service/lawView.do?lang=ENG&hseq=18858](http://elaw.klri.re.kr/kor_service/lawView.do?lang=ENG&hseq=18858).

<sup>27</sup> Carla Sunwoo, *YG, Ministry Agree on Psy’s Song*, Korea Joongang Daily (Oct. 31, 2012), <http://koreajoongangdaily.joins.com/news/article/article.aspx?aid=2961541>.

<sup>28</sup> Chul-ho Lee, *The Man Deserves A Medal*, Korea Joongang Daily (Jul. 08, 2014), <http://koreajoongangdaily.joins.com/news/article/article.aspx?aid=2991666> (mentioning certain criticism that Psy’s past of wrongdoings does not qualify for the medal, as the medal is awarded to those whose achievements in contributing to the improvement of national culture and national development by contributing to cultural and artistic development).

## Do You Really Know What Happened to Psy?: Controversial South Korean Music Censorship

This essay acknowledges that there are significant and fundamental differences between Psy and BTS. In terms of targeting audience, Psy is a solo singer not targeting specific age group, while BTS, targeting teenagers, is a so-called idol group whose name is inspired by a slogan of defeating all prejudices and oppressions on teenagers like a bulletproof vest from bullets.<sup>29</sup> In terms of performance style, Psy is a comical and satirical performer, while BTS is a group of seven men performing complicated dance choreography. In terms of fan club, Psy did not begin his music career with a well-prepared fan club,<sup>30</sup> while BTS began their music career with a well-prepared promotion of their fandom, called “Army”.<sup>31</sup> In terms of communication to their fans, Psy, a father of twin daughters, is not active in social media, while BTS is very active in social media to directly connect to their fans without territorial borders. In terms of years of career, Psy debuted in 2001, while BTS did in 2013.

Nevertheless, compared to Psy, no member of BTS has criminal charge or has performed military duty yet. In addition, BTS has a clean record of having no Rated-R songs out of 264 songs and they take precautions over their lyrics before any controversy arises by editing them before airing them in foreign countries.<sup>32</sup>

### V. Reflections and Recommendations

After looking at two instances of “Right Now” and “Gentleman” Controversies of Psy where a governmental agency and a broadcast station voluntarily reviewed their own decision of Preliminary Review, they surely bring up questions: of whether the organization conducting the CRS can review their own decision when the performer of M/R or M/V did not resubmit for a review; of whether each organization’s CRS is effective; of whether regular update on operation of the CRS is needed; or of whether organizations handling the CRS are competent. These Controversies could have been avoided, if there is a uniform CRS with more clarity and unambiguous language.

Furthermore, rather than choosing either the governmental or the self-regulated stations’ CRS, there should be one uniform CRS to protect all artists regardless of level of recognition. Ranking of music of Psy and BTS in the Billboard chart should not incentivize them with special treatment of not applying relevant regulations. Any organizations equipped with the CRS should have consistent results so that they can effectively promote their public policy of protecting the youth from harmful media without having discrepancies. Even so, each station has interests of having its own CRS to not be restricted from the government’s regulation which can be political. Then, at the least, stations have responsibility to create one uniform CRS for all stations.

As more foreign artists’ M/R and M/V are distributed in South Korea, there is more reason to draft and implement the uniform CRS in the future.

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<sup>29</sup> Yeo-Kwang Yoon, *Analysis of the Global Fandom and Success Factors of BTS*, 13(3) J. Korea Ent. Industry Ass’n 13, 15 (2019).

<sup>30</sup> See Psy’s Fan Club, Ko, <http://cafe.daum.net/psylove1/DN0> (last visited Dec. 29, 2019) (showing a word play of Psy-Ko as in Psycho).

<sup>31</sup> See BTS’s Fan Club, Army, <https://www.usbtsarmy.com/> (last visited Dec. 29, 2019).

<sup>32</sup> Emma Kelly, Here’s why BTS’s Fake Love is being censored on US radio, Metro (May 22, 2018) <https://metro.co.uk/2018/05/22/btss-fake-love-censored-us-radio-7568200/> (reporting that BTS edited Korean words of 니가 and 내가, pronounced ‘niga’ and ‘naega’ – meaning ‘you’ and ‘I’ – in one of their songs, “Fake Love”)