

Racial harmony and sexual violence: Uneven regulation and legal protection gaps for influencers in Singapore

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Funding information

Australian Research Council,
Grant/Award Number: DE190100789

Abstract

Drawing on a multi-year ethnographic study of influencers in Singapore and analyses on frameworks regulating racial harmony and sexual violence, this paper adopts approaches from anthropology, cultural studies, and socio-legal studies to illustrate how the law heavily regulates certain influencers while failing to protect others. This spans across governance from the “state” through government interventions and introduction of formal law, governance in the “industry” through sector-based guidelines and best practice recommendations, and governance in the “vernacular” from peer surveillance and the court of public opinion in civil society. Through mixed qualitative methodologies including traditional and digital participant observation, content analysis, archival research, document survey, and case study files, this paper aims to locate the current terms and boundaries of influencer governance and regulation in the verticals of “race & culture” and “sex & safety.” In “race & culture,” we consider how the majority-race Chinese influencers and minority-race Malay and Indian influencers are differently policed by the three tiers of governance, and experience uneven consequences. This includes commentary that is overtly racist, poor stereotypes that perpetuate everyday racism, and parody content that calls out systemic racism. In “sex & safety,” we consider how sexual harassment and assault are regulated in the industry. This includes the underbelly of the industry where some prominent influencers-cum-managers have been accused of sexual grooming and advances as part of their recruitment processes. It highlights how when women are provided an

anonymous space to discuss sexual harassment, a tidal wave of stories emerge, leading to doxxing and the potential for vigilante justice. It also reveals how LGBT influencers and sexual offenders are policed more harshly, while sexual harassment against women take place without repercussion even when revealed. We end with a consideration of the state of influencer wellbeing and welfare in the industry, and the place of the law in regulating longstanding and emergent issues.

KEYWORDS

gender, influencers, law, race, sexuality, Singapore, social media

INTRODUCTION

Over the past two decades, the Singaporean government has been proactive in addressing the increasingly nefarious effects of an unregulated internet onto the city-state. In 2007, Section 298 of the Penal Code, or the law that prohibits the “uttering words, etc., with deliberate intent to wound the religious feelings of any person” was amended to include “racial feelings,” to address the growing use of insensitive statements online and the failure of existing laws, such as the Sedition Act, to effectively deal with the rise of hate speech along racial lines. Despite the nation's long and intimate history with racial violence, the rise of the internet challenged the once formidable Singaporean state in regulating and controlling its citizens' racialized statements over the internet. Thus, in 2016, when Amos Yee, then a 16-year-old vlogger, uploaded an 8-min-long video, the 40 s he spent criticizing Lee Kuan Yew by drawing an unfavorable analogy between Lee and Jesus was deemed offensive on the grounds of Section 298 and Section 292—the transmission of obscene drawings. While Amos' case serves as one of the most publicized instances of prosecuting purportedly insensitive religious speech due to his age and the political content of his message, there have been several cases before and since his prosecution (Radics & Poon, 2016). In a nation that prides itself on “racial harmony,” it is becoming difficult for the government to deny that racist beliefs are rampant in Singaporean society and that the internet is providing an open platform to express such beliefs.

Singapore's history with sex and sexuality makes regulating sexual violence more complicated. Given the moralistic and Victorian roots behind many of Singapore's sexuality laws, women are depicted as vulnerable, with only men capable of being sexually aggressive. In such an environment, laws such as Section 354 (outrage of modesty), Section 375 (vaginal rape), and Section 376 (sexual assault by penetration) of the Penal Code tend to emphasize the vulnerability of women, but also, often aim to protect women who conform to a chaste and innocent persona, as evidenced in the 2007 amendment that specifically extended these laws to girls 14 years old and younger. In addition to the emphasis on the vulnerability of women, given the government's decision to uphold Section 377A of the Penal Code, or the anti-sodomy laws, gay male sexuality is criminalized, in conjunction with several laws and regulations that prohibit the “glamorization” of a LGBT “lifestyle” (Chua, 2014, p. 39). While the government upholds the law and fends off constitutional challenges, it has also acknowledged the rise of hate speech and crimes against the LGBT community, specifically amending the Maintenance of Racial and Religious Harmony act to protect LGBT communities in 2019 (Elangovan, 2019). Thus,

women are highly protected if they conform to normative ideals of a chaste and innocent woman. On the other hand, criminalization of sodomy has created the impression that all LGBT identities are illegal, encouraging hate speech, and violence against the community.

This uneven regulative framework with regard to race and sexuality has made it so that the law heavily regulates certain influencers, particularly those who talk about race or LGBT issues, while failing to protect others, such as majority-race influencers who make racially or culturally insensitive comments. In the context of Singapore, micro-influencers have been crafting “microcelebrity personas” as a career since 2005 (Abidin, 2016, p. 3). Because influencers are perceived to be more accessible, businesses and organizations are increasingly integrating social media influencers into their marketing strategies to achieve business objectives (Chong & Gottipati, 2020). Moreover, since 2005, the influencer industry has evolved to play a multiplicity of roles, from industries spanning entertainment to political. Furthermore, with a high user internet penetration rate, about 85% of Singaporeans go online for news while 61% receive content from social media (N. Tan, 2020). Thus, this has created an uncomfortable situation for the Singapore government because, as Meredith Weiss argues, the nation “has the most fettered media, but also the most wired and tech-savvy citizenry” in the region (Weiss, 2014, p. 95).

In Singapore, the locus of power and influence of the “traditional mass media has long been subjected to government control” (Mazhinan, 2016, p. xxi). Hence, influencers who operate outside the scope of traditional mass media suffer from uneven regulation and legal protection gaps. Statements deemed “sensitive” in nature, such as topics that threaten Singapore's image of a racially harmonious state, or laws that threaten the nation's “conservative” Asian values pertaining to sex and sexuality, are often strictly regulated. But this over regulation also leads to blind spots, where threats are made on minorities who voice their discontentment of the status quo, or privacy breaches against LGBT influencers, are sometimes overlooked or even punished for these influencers' engagement in “immoral” or “controversial” discussions and activities. This article will first explore this over-regulation and under-protection of influencers first from the angle of race and religion. It will then move on to the topic of sex and sexuality. It will end on a discussion on how the context is evolving, with COVID-19 and the rise of fake news, prompting the government to regulate media even further, exacerbating the uneven regulation and under protection of influencers. It will also highlight some of the softer attempts to address the evolving conversation on race and sexuality, as seen in the recent discussions on consolidating the race and religious offenses laws under Maintenance of Religious Harmony Act, and 2019 amendment protecting LGBT people from hate speech.

METHODS AND CASE STUDIES

In this paper, we employ mixed qualitative methodologies including traditional and digital participant observation, content analysis, archival research, document survey, and case study files. Our traditional and digital participant observation is based on a longitudinal ethnographic study of the history and landscape of the influencer industry, undertaken since 2008. It comprises in-person, on-site visits to influencer agencies and incubators, industry PR events and campaigns, and places of work and residence of a select group of influencers as a shadow manager or personal assistant. The digital ethnography comprised a systematic immersive study of four longitudinal “cohorts” of influencers in Singapore, measured by the time of entry into the market, their dominant genres, and the platforms on which they create content. From these two sets of longitudinal data, the case studies were selected based on their prominence in the media and their contributions to public discourse in Singapore society. To illustrate this, we conducted a content analysis of the posts

published by influencers that are the subject of controversy, compiled the press coverage on said issues, and undertook a document survey of relevant laws and regulations. Taken together, this allowed us to draw up original case studies to examine the state of regulation and governance in the influencer industry in Singapore.

The rest of this article will explore what happens when antiquated laws developed in a different time period, and reflecting the values of a different society, are applied to a contemporary issue. Through the use of case studies regarding race, gender, and sexuality, this article highlights not the failure of the courts or the police to catch criminal behavior, but the inadequacy of the law to deal with complex modern online phenomena. The section also explores the entrenched cultural values that make certain behaviors such as reporting sexual assault, difficult, shameful, and punitive. Furthermore, rather than viewing the issues presented as the result of a particular cultural privilege (i.e., Chinese Privilege), at least in the context of laws, the cultural values that underlie such laws can be traced to colonial Singapore, and values the British tried to impart upon it (Radics, 2014). Therefore, the outdated laws, antiquated cultural values, and complex social relations all make it so that the existing legal framework, as the case studies will demonstrate, allows the public to punish social media influencers. Such punishment disproportionately affects minority Singaporeans, while crimes committed by social media influencers remain unregulated. Finally, on “taboo” subjects, such as LGBT lifestyles, the spectre of anti-sodomy laws have socialized many to believing that LGBT identities are in themselves illegal, and harsh, swift, and punitive punishment of LGBT social media influencers only reinforce this stereotype. The remainder of this article will explore the topics of: (1) Race and Religious Regulation; (2) Gender-Based Violence, and (3) LGBT Identities and Free Speech. In each section the existing legal infrastructure will be provided, and several case studies will be presented to illustrate the limitations of such laws.

RACE AND RELIGIOUS REGULATION

When the British reached the Indian subcontinent, they encountered a multitude of different peoples and cultures, and struggled to manage such disparate communities within the artificial territories of the empire ultimately constructed. Thus, in 1862, when the Indian Penal Code first came into operation, it included four sections that protected religious freedom in the British colony. These sections were 295 (defiling a place of worship), 296 (disturbing a religious assembly), 297 (trespassing on burial places), and 298 (uttering words with deliberate intent to wound religious feelings). Imported into Singapore through the Straits Penal Code in 1871, these laws still remain on the books and have since been titled “Offences relating to religion or race.” Additionally, in 1948, to help quell the communist insurgency in the region, the British government introduced the Sedition Act, which extended to Singapore in 1964 upon independence. Initially introduced in Singapore through the Sedition Ordinance, 1938, 13 sedition laws were used by the British colonials to restrain freedom of speech, particularly that of the press, for the purpose of preserving political control over the colony (Neo, 2011, p. 353). Recognizing the potential divisiveness of race and religion in a diverse society, the Sedition Act included language that defined a “seditious tendency” as including “a tendency to promote feelings of ill-will and hostility between different races or classes of the population” [Sedition Act, s. 3(1)(e)]. This language served as the model for the Maintenance of Religious Harmony Act in 1990, which states that the government can make a restraining order against any religious group or institution committing or attempting to commit the seditious tendency discussed above [Maintenance of Religious Harmony Act of 1990, s. 8(1)(a); see also, Rajah, 2012, p. 237].

In the early 2000s, three high-profile blogger cases tested the effectiveness of the law to regulate speech regarding race and religion. In *Public Prosecutor v. Koh Song Huat Benjamin and Another*, [2005] SGDC 272, para. 11, Koh was accused of posting disparaging comments about “Malays and Islam, parodied the halal logo and placed it next to a pig's head, spewed vulgarities at the Muslim Malay community, derided and mocked their customs and beliefs and profaned their religion. He even compared their religion to Satanism.” Nicholas Lim Yew in the same case was charged and convicted for “posting insensitive remarks on an internet forum for dog lovers in a discussion about whether taxis should refuse to carry uncaged pets out of consideration for Muslims, whose religion considers dogs unclean” (Sydney Morning Herald, 2005). While Koh was sentenced to serve one month's imprisonment, Lim was sentenced to a nominal 1-day imprisonment and the maximum fine of \$5000 in default of one month's imprisonment. In his ruling, Judge Richard Magnus stated, “The right of one person's freedom of expression must always be balanced by the right of another's freedom from offence... It is only appropriate social behavior, independent of any legal duty, of every Singapore citizen and resident to respect the other races in view of our multi-racial society. [...] A fortiori, the Sedition Act statutorily delineates this redline on the ground in the subject at hand.” *Koh Song Huat Benjamin and Another*, [2005] SGDC 272, para. 8.

Less than a month later, a third blogger, Gan Huai Shi, a 17-year old Chinese male, was charged with two counts under the Sedition Act for making inflammatory comments about Malays and Muslims (Forss, 2005). He was charged with having made a range of offensive remarks against the Malay-Muslim community, including comparing them to “rodents” and claiming that he wanted to blow up Muslim holy sites and that “the Malays must be eliminated before it is too late.” (Neo, 2019, p. 975, n. 72). Gan was convicted and sentenced to 24 months of supervised probation under the condition that he undergo psychological evaluation and follow-up to address the death of his brother, attend counseling sessions to correct his misguided dislike of Malays, post a \$10,000 bond to ensure good behavior, and perform 180 h of community service in a Malay welfare home (Radics & Poon, 2016, p. 220; see also, *ibid.* note 178).

All three cases invoked the Sedition Act and served as the first time the law had been used since independence. These cases also coincidentally took place immediately after the 2005 Jyllands-Posten Muhammad cartoons controversy in Denmark, in which offensive depictions of the prophet Mohammad triggered violent protests all over the world (Roberts, 2021). Given the Singapore Parliament's concern that racist or insensitive speech regarding religion was being prosecuted under the Sedition Act, a law that was characterized as a “high signature Act” that was “limited [in] scope,” section 298 of the Penal Code was amended to provide the government with greater flexibility in going after such activities (Singapore Parliamentary Debates, Official Report, Oct. 23, 2007, vol. 83, at col. 2175). As a result, section 298 was amended to address statements regarding race, with section 298 A added to increase the maximum punishment from 1 to 3 years, and to make clear that the law covered “visible representations or otherwise,” allowing it to be applied to statements made on the internet and social media (Penal Code [Cap 224, 2008 Rev Ed], s 298 and s 298[a]; see also, Radics & Poon, 2016, p. 221). After the amendments were made in 2008, between 2011 and 2019, the police investigated between 16 and 31 section 298 cases a year, with the cases nearly doubling during the COVID pandemic period in 2020 (Mahmud, 2021).

In the case of influencers, there seems to be a difference between how minorities and non-minorities are treated under the law. When a minority calls out the majority race—in this case, Chinese Singaporeans—for insensitive remarks and triggers anger or resentment online for these comments, the influencer is swiftly investigated. On the other hand, when majority race influencers make insensitive comments, these comments are treated as

light-hearted jokes that receive less police attention. This next section will explore some of these cases, starting with the police investigation of, and charges against, Preeti and Subhas after they called out a racist advertisement using brownface. It will then explore several insensitive comments made by Chinese Singaporean influencers that received comparably less attention by the authorities.

Calling out brownface and the backlash for preeti and Subhas

In July 2019, a “government-initiated campaign” (South China Morning Post, 2019) for the cashless transaction system known as “E-Pay” featured the ethnically Chinese local actor Denise Chew. In the print ad, Chew roleplayed as four characters of different races—Chinese, Malay, Indian, and Eurasian—by darkening his skin to depict an Indian man, and dressing up in a tudung also with darkened skin to depict a Malay woman. The ad was controversial for wearing “brownface” in the wake of a string of similarly controversial incidents of “blackface” by American celebrities and European fashion brands just months ago (Stambaugh, 2019).

A few days later, Singaporean Indian influencer Preeti Nair (better known as Preeti) and her brother local musician Subhas Nair (better known as Subhas) posted a (now-deleted) satirical rap video on YouTube to call out this racism. Titled “K. Muthusamy,” the video remixes the lyrics of Australian rapper Iggy Azalea’s “Fuck It Up” to criticize the E-Pay ad for its racism, and recount some of the usual tropes of racism against minorities in the Singaporean media. A selection of the lyrics include:

*Y'all be doing the least but still doing the most/
It is the app or the stereotypes you tryna promote/
this ain't no joke, stop trying to buat bodoh/
cos y'all huat huat huat that time, you never jio!*

*How can a man wear brown and wear a tudung/
Two wrongs don't make a right, it's still two wrongs/
At least use a different person lah, use two Wongs/
This year's Halloween I'll be Mao Zedong!*

*Brown face, brown face, everybody wanna be our race/
The new marketing strategy is outrage/
If I see that shit in real life, I might catch a case/
We lost all our enclaves, and our holy days!*

Shortly after, some citizens became outraged at the satirical video—mostly by sidelining its critique of racism in the country and focusing on the apparent offense it had committed towards Chinese citizens—which prompted the police to investigate (H. Ng, 2019). The Infocomm Media Development Authority issued a “takedown” of the video across platforms (Channel News Asia, 2019a), with the likes of YouTube, Facebook, and Twitter blocking the video from “being viewed in Singapore” upon the government’s request (BBC, 2019); it was reported that the video had been watched more than 40,000 times on Facebook, in addition to viral views on YouTube and Instagram (Channel News Asia, 2019b). The stanza that was deemed to have been the most controversial was the chorus that included profanities:

*F*ck it up sis, Keep f*cking it up/
(Racist) Chinese people always out here f*cking it up!*

*Pick it up, pick it up, pick it all the way up/
(Racist) Chinese people always out here f*cking it up!*

News reports asserted that the government was “deeply alarmed by the episode” (Jaipragas, 2019), and the then law and home affairs minister K. Shanmugam condemned the video for “attack[ing] another race” (CNA, 2019). As the national conversation began to deflect from the racism of the brownface faux pas to the offense from the expletive-laden critique by Preeti and Subhas, minority race citizens like prolific Tweeter @visakanv (Visakan Veerasamy) attempted to refocus the dialogue by circulating compilations of similar brownface incidents committed by major corporations, the mainstream broadcaster, Chinese entertainers, and public figures in Singapore, asserting that the racism is very much structural and has been proliferate in the mainstream media and social media for a long time (@visakanv, 2019). Activists like journalist Kirsten Han (@kixes, 2019) and playwright Alfian Sa’at (Alfian, 2019) also pointed out the hypocrisy of the Nair siblings being overpoliced, and the systemic oppression against minority races from speaking out against incidents of racism.

Despite this, the state-sponsored backlash against the siblings continued, as Subhas’ appearance in a National Day documentary for his music collaborations and activist work with migrant workers was quietly deleted (Ong, 2019). Legal repercussions also ensued, with the Nairs being detained by the police for questioning (Liotta, 2019) and then issued a 24-month conditional warning “under a section of the Penal Code dealing with the maintenance of racial harmony” (Channel News Asia, 2019c). The Attorney-General’s Chambers asserted that there was “no criminal offence disclosed” in the brownface E-Pay ad (Channel News Asia, 2019c). The Infocomm Media Development Authority stated that while the ad “did not breach the Internet Code of Practice”, it was “done in poor taste and had caused offence to minority communities” (Channel News Asia, 2019c).

Two years later in 2021, Subhas Nair was deemed to have “breached” his conditional warning for allegedly committing three similar offences; he had posted comments on social media and exhibited a cartoon drawing during an indoor performance alleging that the government treats racial minorities more poorly than they do with Chinese Singaporeans (Koh, 2021a). For this, Subhas was charged in court with “four counts of attempting to promote feelings of ill-will between different groups on grounds of religion and race” (Yahoo! News, 2021). If found guilty, he could “face up to three years of imprisonment and fines for every charge” (Ke, 2021). At this court appearance, an undeterred Subhas continued with his activist work against the death penalty by appearing in a t-shirt bearing the face of a mentally impaired man, Nagaentha Dharmalingam, who was scheduled to be on death row in the following week (Ke, 2021). In early 2022, it was reported that Subhas was set to plead guilty to “attempting to promote feelings of ill will among different groups on grounds of religion and race” (Lam, 2022), after being out on bail of SGD\$10,000. As of May 2022, a court date for the trial over the charges is pending (Ferrarese, 2022).

Majority privilege and comedic racism

It has been observed in ethnographies of influencer cultures in Singapore that there is a tendency for some of the most popular YouTube channels and networks, predominantly run by Chinese young people, to “use minority or fringe identities as a punchline” (Abidin, 2021, p. 54). This includes the likes of Chinese Singaporeans performing in brownface to caricature Malays and Indians, or using token minority race actors to reproduce harmful caricatures and perpetuating stereotypes insinuating that “Malays are lazy” or that “Indian men are to be feared” (Abidin, 2021, p. 54). For instance, leading local YouTube channel

Night Owl Cinematics has blatantly scripted into at least one of their skits, a character played by an Indian man who approaches a pair of Chinese women, only to have both of them cast disgusted looks at him. One Chinese woman then says to the other “This Indian man is a bit suspicious. Hide your cash” (Tan & Thet, 2017).

In another instance, the same YouTube channel produced a video of five of its Chinese women talents engaging in a makeup challenge in which they were tasked to present a “music festival look under 10 min,” in conjunction with the annual Coachella Valley Music and Arts Festival in California. In evaluating each others’ looks, the women comment that their colleagues look “like shit,” and appear as if they were “attending Deepavali,” the major religious and new year celebrations mostly observed by Indian Hindus and Sikhs in the country (Coconuts Singapore, 2017). In a similar vein in the year prior, YouTube channel The Smart Local produced a food challenge video in their “Singaporeans Try” series featuring a pair of their talents, a Chinese woman and Malay man, trying out Indian snacks. However, the pair and the channel were widely criticized for being “culturally insensitive” and “outright offensive” as they had compared Indian foods like ladoos to “diarrhea” and made a series of remarks and facial expressions insinuating their dislike and disgust towards the cuisine (Lay, 2016).

In both of these instances, public furore was fanned through a series of prolific call-outs by citizens, fellow influencers and YouTubers, playwrights, and literary figures. In response to the viral backlash on social media and coverage in online popular media and news outlets, both channels removed the offending videos and issued official apology statements on social media. Although several citizens pointed out that the videos had harmed racial harmony and that the channels ought to be held accountable or investigated, no formal police or legal action was taken, and the scandal lived its natural lifecycle before fading out.

For other YouTube influencers, the string of race-related faux pas from their colleagues, alongside milestone global social justice movements like “Black Lives Matter” (Farveen, 2020), instigated a reflection of their own practices. One prolific example is Jianhao Tan, who runs one of Singapore’s most subscribed YouTube channels in his namesake (Müller, 2021) alongside a network of channels under his company Titan Digital Media. In May 2020, the CEO and YouTuber decided to suspend the use of one of the characters in his videos, an Indian military retiree and roti prata seller known as “Peter Papadum,” played by network talent and fellow YouTuber Ridhwan Azman, who is a young Malay man (@ridhwannabe 2020; @thejianhaotan, 2020). The portrayal of “Peter Papadum” often relies on a “thick Indian accent” and “exaggerated body mannerisms” that usually mock Indians, accompanied with “Indian music” in the background for “comedic effect” (Sholihyn, 2020). Both Tan and Azman put out statements and apologies on their official Instagram accounts, citing their newly-found awareness of the harms perpetuated by the character who “adopts caricature-like qualities” to “exploit racial stereotypes” (@thejianhaotan 2020), and their desire to “make a difference” in combating racism (@ridhwannabe 2020).

GENDER-BASED VIOLENCE

Within the Singaporean context, women’s bodies have been a key site for family and nation building (Vitis, 2019, p. 34). Purushotam (2002, p. 342) argues that Singaporean women are “first and foremost the symbol and the active principle for the accomplishment of the institution of ‘the family,’ both liberated from and ‘bounded by’ its traditions (cited in Vitis, 2019, p. 34). But one cannot deny that these expectations of women have deep roots. After over a century of British colonial control, as well as a legal system that embodied a Victorian-era (1837–1901) morality, it is undeniable that the impression that women were to be “more moral and more virtuous than men, but also weaker, more fragile and more vulnerable” can still be seen in the law. (Hunt, 2000, pp. 83–84; see *also*, Radics, 2014). Terence Chong

(2011, p. 572) reminds us though, that Singaporeans may not have passively accepted such British morality, with the PAP winning over votes at the time of independence by depicting the British (and sympathetic parties) as receptive to “yellow culture,” or “juke-boxes, Playboy magazines, sex films, and dancing.” It has also been argued that in some contexts such as marriage, in societies with East Asian populations, precolonial Confucian can be invoked to highlight the difference between “collective familism and an agency-centred individualism” (Wong et al., 2004, p. 44). Despite its origins, the “Asian Values,” debate that emerged in the 1990s, placed further emphasis on the family, which in some contexts serves as “the ‘core sit[e] for shaping gendered stereotypes and controlling the ‘unruly’ female body” (Vitis, 2019; 33 citing Stark, 2007, p. 172). Furthermore, with a paternalistic state that relies heavily on the family as a key site of nation-building, regulation of the family, and furthermore upon women, demonstrates the layers of control over the female body.

Such control comes with “protections.” Chapter 224 of the Penal Code, or the “Sexual Offenses Act,” constitute a series of laws that are meant to protect women from violence. Section 354 (outrage of modesty), Section 375 (vaginal rape), and Section 376 (sexual assault by penetration) of the Penal Code tend to emphasize the vulnerability of women. Up until 2019, per Section 375, men were not capable of raping their wives, and women were not capable of raping men. Despite the addition of the gender neutral section 376 (sexual assault by penetration) that has the exact same punishment as section 375, women still cannot “penetrate” men, and therefore, rape of males will most likely invoke section 354 of the Penal Code, or “outrage of modesty” which has a maximum penalty of 2 years. Additionally, the Women's Charter of 1961 further emphasises the role of the state to protect women, stating that it is,

An Act to provide for monogamous marriages and for the solemnization and registration of such marriages; to amend and consolidate the law relating to divorce, the rights and duties of married persons, the protection of family, the maintenance of wives, incapacitated husbands and children and the punishment of offences against women and girls; and to provide for matters incidental thereto (Women's Charter of 1961, Chapter 353).

Borne out of a period in which there was a desire to reduce prostitution, and to address the “backward” and vulnerable position of women and children, the postindependence law further perpetuates a moral and middle class, “respectable,” hetero-normative ideal, with women as needing the protection of men. In fact, when there was a call for the Act to compel women to provide maintenance for incapacitated husbands, the proposal was rejected in 1996 and 2010 on the grounds that Singaporean society “was not ready for gender equality.” (Fong, 2017, p. 20; Goh, 2016).

The flipside to protection is punishment. When such emphasis is placed on protecting vulnerable and virtuous women, women who do not conform to such pious images are punished and violence against them ignored. In the context of sexual-based image violence, when sexualized images of women are posted online without their consent, instead of seeking protection from the law, many women refuse to report the crime out of shame and fear that they will be held accountable for producing images in the first place (Vitis, 2019, p. 34). In a voyeurism case at the National University of Singapore in which a young woman was filmed against her will while showering, one study tracked the comments on regarding the case on Facebook and highlighted how the comments highlighted how, “male sexual desire is positioned as natural and used to exonerate men, with no distinction between arousal and acting on such arousal in a nonconsensual manner” (S. Tan, 2021, p. 7). Given the emphasis on protecting women, this attitude can be seen as reflected not only in the law but also in the interpretation of the law. Highlighting how the provocation defence is

employed in Singapore when a man kills a woman, Cheah (2021, p. 478) reviewed the *Public Prosecutor v. Tharema Vejjayan so Govindasamy* case in which the accused argued that he had been provoked to killing his wife by her behavior and attire. Despite rejecting the defence, and finding the defendant guilty of murder, the court still went out of its way to review the wife's outfit on the day of her death to determine whether it was indeed provocative. In *Chan Choon Wai v. Public Prosecutor*, when a woman broke up with her lover and was subsequently killed for it, the lover claimed he was provoked because of her insensitivity to his feelings. The court then proceeded to compare her “civilized” actions to the behavior of the deceased in *Public Prosecutor v. Kwan Cin Cheng*, where another woman who was killed had used insulting words and the killer's actions did fit the “reasonable man” standard. In both cases, the deceased women's behaviors were examined carefully to determine if the attack upon them was reasonable enough to reduce the charge from murder to culpable homicide (the former is punished by death, the latter a number of years in prison up to life imprisonment).

Despite the fact that the following cases do not involve exclusively female influencers, they highlight ongoing sexual assault on women, and how expectations upon women—how they are to act and how they may be punished if they break these norms—makes it difficult to report such acts of violence. The next section will highlight how influencers were treated under the law with such gendered expectations in mind. The first will be a case where when an influencer is famous, falls prey to his “natural” desires, and takes advantage of women, he can get away with it with little to no consequences. In another case, when women use the internet to do something as innocuous as sharing dating stories, instead, such forums quickly serve as spaces to share cases of serious sexual assault. Ultimately, these spaces can result in the doxxing of the sexual offenders, the violation of privacy, and the potential for vigilante justice when women feel it is too difficult and punitive for women to report such crimes.

Fear of fame: Eden Ang and sexual assault behind the camera

Historically, the influencer industry in Singapore has been dominated by women, considering its early roots in the blogshop and commercial blogging spaces (Abidin & Thompson, 2012). However, as the industry flourished, more men entered the space as romantic partners and aspiring influencers (Abidin, 2016), and talent management agency owners and backend staff (Abidin, 2017). On YouTube, many Singaporean influencers have also turned themselves into self-styled entrepreneurs, going to found their own creative agencies, talent incubators, and management firms. However, it is at this layer of the ‘backend’ that the underbelly of the influencer industry has been exposed by victims.

In January 2018, YouTube influencer Eden Ang was accused of sexual misconduct by his 18-year-old personal assistant. Specifically, he had allegedly “touch(ed) her inappropriately,” asked her to call him “daddy,” and asked her to wear a G-string (G. Z. Tan, 2018a). A messaging chat log between Ang and the personal assistant was made public by another influencer in a viral Instagram Live, bearing evidence of this exchange (G. Z. Tan, 2018a). Following this, Ang put out a public announcement on his official Facebook page stating that these were “malicious allegations” and that he had filed a police report (G. Z. Tan, 2018a). Soon, a viral Facebook post claimed that said personal assistant had received insensitive remarks from the investigation officer and was turned away at the police station (H. Ng, 2018), but the police subsequently put out a statement to deny the allegations and confirm that a statement was given but no police report has been filed (Nazren, 2018).

The following month, a second alleged victim came forward through a viral Facebook post, revealing that Ang verbally harassed her under the pretext of auditioning her for an

acting role for his YouTube videos (G. Z. Tan, 2018b). She recounts that Ang had discussed the color of her underwear, her pubic hair and whether she shaves, and asked her to “wear a mini-skirt and g-string” to “try out” a role at his house (G. Z. Tan, 2018b). The post also stated that she was “embarrassed and terrified that people wouldn't believe [her] because [Ang] is a Social media Influencer” (G. Z. Tan, 2018b). Shortly after, more allegations surfaced from various women. Influencer-turned-actress Melissa Faith Yeo came forward with a third account, claiming that Ang had sexually harassed her friend in New York City (Lay, 2018). Yeo also shared a series of WhatsApp messages from 2013, alleging that Ang was rude to her after she turned down his invitation to spend the night at his house (Lay, 2018). Yeo added that she did not speak up about these incidents before as the public would have presumed she was a “famewhore” since Ang was a “well-loved Youtuber” whose online persona portrayed that he was “God-loving” (Lay, 2018).

Rice published accounts from two pseudonymous women; one alleged that Ang had raped her when she was invited to his house for “work,” and another said Ang “claimed to be a photographer seeking a model for an outdoor fashion shoot” but took topless photographs for a client and had touched her inappropriately (Yeoh, 2018a). The latter said she trusted that as a “celebrity,” Ang would have professional boundaries (Yeoh, 2018a). Further, *Alvinology* published a personal interview with a sixth victim who alleged, through a series of WhatsApp conversations with Ang, that he had asked her to “star in a porn film filled with blood and violence” (Yahoo!News, 2018). A seventh victim came forward 2 months later claiming that she was “statutorily raped” by Ang when she was 13 years old and when he was 19, in Christchurch, New Zealand where Ang was then undertaking his undergraduate degree (Yeoh, 2018b). *Rice* reports that the victim's family had retrieved their police reports from 11 years ago via the “Official Information Act 1982 No.156 in New Zealand,” and contacted the Singapore Police Force to handover the information (Yeoh, 2018b).

Collectively, these accusations against Ang in 2018 were especially critical following the global #MeToo movement, although lawyers who have commented on the cases reveal that “cases of sexual harassment, particularly in the workplace, are often difficult to prove in court” (Tham, 2018)—and for many influencers, these “workplaces” are often technically their personal homes. Unfortunately, media coverage on the Eden Ang sexual misconduct cases attracted significant victim-blaming and often misogynistic discourse on social media (Yeoh, 2018c). At the time of writing, Ang has not been charged or sentenced in court, and it is widely speculated on various online fora that the cases have been dropped.

Sexual assault and doxxing of the perpetrator

In October 2021, TikTok influencer Koh Boon Ki published a post announcing the possibility of starting a groupchat on messaging app Telegram for “girls from all the dating apps in Singapore” (Sun, 2021) to review the men they have met (Koh, 2021). At that time, Koh boasted over 112,000 followers on TikTok and her post was viewed “more than 190,000 times” (Sun, 2021). Based on her own negative experiences of the men she had met on dating apps, she founded said groupchat on Telegram titled “sg dating adventures,” which quickly gathered user contributions from about 250 members (Koh, 2021).

Over a short span of 3 days, the reviews amounted to “serious allegations of sexual assault” (Koh, 2021), such as “Filming girls having sex without consent,” “Underage minor pretending to be 22,” and “Blackmailed a girl with her nudes” (Sun, 2021). However, concerns over doxxing surfaced when information in the private groupchat was then (anonymously) cross-posted to a public Google spreadsheet titled “Dating Guide SG”. The spreadsheet contained the tabs “Blacklist” and “Avoid,” and featured the personal details of

dozen of men, including some full names and contact details, and allegations of their infidelity or sexual assault (Sun, 2021).

As the document went viral with anonymous contributions, a news interview with a criminal lawyer expressed that the influencer “may be liable to criminal prosecution under the Protection from Harassment Act” (Sun, 2021). Specifically, the lawyer offered that “as a popular influencer, by creating the chat and posting about it on TikTok, she should know that it would be shared widely and would go viral” (Sun, 2021). Although Koh soon claimed to have closed the groupchat, the owner of the Google spreadsheet was yet to be verified and it is “not known if copies were made” (Sun, 2021). In a follow-up TikTok post, Koh regretted that the document became “incriminating,” said that she had requested for the owner of the spreadsheet to delete the document, and added that she hoped the authorities would intervene if reports of the sexual assaults were true (Chua, 2021).

LGBT IDENTITIES AND SPEECH

Lastly, Singapore is one of the few nations in the world that continues to criminalize sodomy, through Section 377A of the Penal Code.¹ Another colonial law left behind by the British, it is a subsection of Section 377, the law that criminalized all sex “against the order of nature.” Although Section 377 was removed from the Penal Code in 2007, after debates that took place to determine whether to repeal Section 377A, it was determined that the law would be retained due to Singapore’s “conservative Asian values.” Thus, although only sodomy between men is illegal, LGBT identities are still highly stigmatized, therefore subject to regulation and punishment.

Challenges to repeal section 377A have galvanized segments of the society to push for equality and a more inclusive Singapore. One can argue that this response emerged due to the changing relationship the state had with LGBT identities over the past four decades, combined with a gradual relaxation of government rules and regulations on freedom of speech. While the 1980s saw covert operations to uncover, quell, and publicly humiliate those who visited “cruising spots” in Singapore, the 1990s saw a more concerted effort to work with the LGBT community, particularly with regard to addressing the HIV/AIDS crisis. By the 2000s, homosexuality was increasingly being recognized as part of Singapore’s strategy to become a global and creative hotspot. This period of openness led to the emergence of new opportunities for Singaporeans to become more politically active. People’s Corner located at Hong Lim Park—a spot that the government designated as a location for public, open-air speeches and demonstrations—was eventually used by the LGBT community and allies in 2009 to express their support of a more inclusive and tolerant Singapore. Encouraging participants to wear pink, “Pink Dot” as the event is called is now a yearly event and one of the largest gay pride festivities in all of Asia. In 2010, Tan Eng Hong also launched a constitutional challenge to strike out Section 377A. Despite being unsuccessful, his challenge led to a change in the *locus standi* rules, allowing anyone who believes their rights are being violated by a law may challenge it without having to first be prosecuted under it. As a result of this challenge, five separate lawsuits have been filed to strike out Section 377A. To date, all have been unsuccessful, yet they still signal a growing interest in decriminalizing and destigmatizing LGBT identities in Singapore.

This period of openness has also led to a backlash. During the yearly Annual General Meeting in 2009, one of Singapore’s oldest and most important feminist organizations, Association of Women for Action and Research (AWARE), was taken over by a charismatic Christian organization arguing that AWARE’s old leadership was pro-LGBT. Furthermore, due to Pink Dot’s rising popularity, in 2016, Christian and Muslim organizations encouraged its members to “wear white” on the day of Pink Dot to stand up for “traditional family values.”

Lastly, despite the numerous challenges to Section 377A, the courts continue to uphold the law, in addition to several regulations that discriminate against LGBT in the housing sector, LGBT parents, as well as upholding strict guidelines that prevent the “glamorization” of LGBT “identities.” To its credit, the government has recognized the rising influence of religiously conservative organizations and their anti-LGBT agendas, compelling former statesman Tommy Koh to religious leaders of the Christian and Muslim faith “should respect the separation of state and religion and refrain from pressuring the Government to criminalise conduct which they consider sinful” (Koh, 2018). Such tension has triggered a “culture war” in which those who speak on LGBT identities are seen as promoting a foreign agenda. For instance in 2016, the Singapore government forbid foreign sponsorship and participation at Pink Dot, and in 2021, when the US embassy flew the rainbow flag during the International Day Against Homophobia and Transphobia, the Ministry of Foreign Affairs issued a stern warning reminding the US government “not to interfere in our domestic social and political matters” (Ganapathy, 2021).

Thus, LGBT issues in Singapore have experienced a growing exposure and tolerance. At the same time, there is a retaliatory backlash, with LGBT identities still discriminated against in the law, leading to a stigmatization, and the galvanizing of fringe religious elements who seek to reinstate, “traditional” and “Asian” family values. As a result, the state continues to regulate representations and perspectives of LGBT individuals in the media. Given this backdrop, this next section will discuss several case studies of LGBT influencers in Singapore and how in this context, many of the issues we see in the previous section become compounded when the intersectional problems of racism, sexism, and fear of criminalization, lead to both over criminalization by the state, and hidden victimization behind the cameras.

Over-criminalization of LGBT influencers—Titus Low

Singaporean Titus Low is a Not Safe For Work (NSFW) or erotic influencer, who is known for producing “explicit content” as a “fantasy boyfriend” on the platform OnlyFans (Lee, 2021). OnlyFans is a content subscription platform where “fans” or subscribers can pay a fee to access exclusive content from creators and influencers. It is most popularly used to barter NSFW contents, such as nudes and sexually explicit videos. Low reportedly makes a “five-figure income” from his thousands of subscribers with his “self-pleasuring videos” on OnlyFans, while the hundreds of thousands of followers on his public Instagram and Twitter accounts access the more “softcore” content for free (Lee, 2021).

However, in October 2021, Low sprang into the national spotlight as his subscriber-only paywalled content was anonymously leaked and circulating on the likes of Pornhub, Telegram, and WhatsApp. Low was questioned by the police after a report was filed as it is illegal to film and sell pornographic content in the country (Lee, 2021). Two months later, Low was charged in court for “posting obscene content,” in what became known as “the first prosecution involving an OnlyFans content creator” (Koh, 2021). The charge was for his upload of 32 photographs and 29 videos on OnlyFans, and if convicted, Low may be “jailed up to six months, and/or fined up to \$5000” (Koh, 2021). Low was out on \$5000 bail, and subsequently dismissed from a male beauty pageant in which he was formerly a contestant (Lui, 2021a).

In January 2022, Low announced in a YouTube video that he became an OnlyFans erotic influencer to “afford” his “independent lifestyle” (Ching, 2022). He revealed that his brush with the authorities was “traumatic” but stated that he would be cooperating with the investigations (Ching, 2022). Following this, a flurry of journalistic commentary emerged in the mainstream media, offering that overseas-based Singaporeans or foreigners who enter

Singapore who upload obscene contents on OnlyFans “could be breaching laws” (Chua, 2022). Lawyers who were interviewed suggested that while “making” and “uploading” obscene content is an offence, “subscribing” to and “consuming” OnlyFans content was not (Ang, 2022). They also asserted that the Singapore court considers obscene content as that which “has the tendency to deprave and corrupt the minds” of people, and that “pornography is considered as an aggravated form of obscenity” (Ang, 2022). It was reported that the “commercial gain” that OnlyFans Influencers could accumulate was also deemed to be a “potential aggravating factor” for court sentencing, as the law “seeks to deter the commercial exploitation of the sale of pornographic or obscene materials” (Ang, 2022).

In February 2022, Low was handed two new charges for breaching a police order to not access his OnlyFans account in late-2021, and for uploading new obscene material on his second OnlyFans account (Tang, 2022). In an April 2022 YouTube interview, while awaiting his sentencing, Low stated that since his “case” was setting precedence, “people in the same industry”—that is, fellow NSFW and erotic influencers—were “very concerned and in fear” of the legal outcome (Nazren, 2022). In the same month, Low’s case gained interest abroad and commentary in international outlets such as *Los Angeles Times* pointed out that his bisexual identity and behavior is all the more “taboo” in Singapore as “sex between men is technically illegal” (Pierson, 2022); before this, only one local report hinted at the homoerotic market of his work by mentioning that 70% of his followers on OnlyFans are male (Lee, 2021). Against the backdrop of another dismissal from the Singapore high court to repeal the criminalization of sex between men, Low was noted for “stubbornly challeng[ing]” this taboo, and for opening up “conversations about social mores and the limitations of sexual expression” (Pierson, 2022). The most recent news reports about Low stated that he has expanded to other platforms to sell his own NFTs and “sex toys modeled after his genitals” (Ke, 2022). He is also considering a “move to London or Los Angeles” to further his work on OnlyFans, although he currently has to remain in Singapore until his sentencing (Ke, 2022).

Dee Kosh's shameful sexual assaults and swift punishment

In August 2020, YouTube influencer and radio host Darryl Ian Koshy—better known as Dee Kosh—was accused by five men of sexual harassment. The allegations first began in viral Instagram posts and Stories by a young man who said he was approached by Koshy who was recruiting talent for his YouTube channel. The alleged victim was 17 years old at that time, and revealed that Koshy had “asked for nudes and sexual favors” (How & Lay, 2020). Similar accounts then went viral on Instagram and Twitter. Denying the accusations via his Instagram account, Koshy responded by engaging a lawyer to issue a “cease-and-desist letter” (Raguraman, 2020) to the young man “on the grounds of harassment and defamation” (How & Lay, 2020).

However, shortly after, the law firm acting on behalf of him stated that they were “no longer representing” him (How & Lay, 2020). Around the same time, it was reported that the victims, who were “mostly young men,” had filed several police reports against Koshy (Raguraman, 2020). Koshy was accused of “solicit[ing] nude pictures” and “offer[ing] money to minors in return for sexual favors,” all “under the guise of recruitment” for his YouTube channel (Raguraman, 2020). Various reports revealed that two of the young men were 15 and 17 years old when Koshy had “solicited sex from them in exchanges over various social media platforms” (Gwee, 2020). Koshy took to Instagram again, this time to backtrack on his previous denials. If found guilty, the charge for “commercial sex with minors below 18” is a “jail term of up to seven years, a fine, or both” (How, 2020a).

Influencer Preeti— who had previously been a victim of Koshy’s online bullying—began to offer “legal contacts” to encourage other victims to come forward (Gwee, 2020; How, 2020b).

YouTube talent and media agency Night Owl Cinematics, who work closely with Koshy, announced that they had conducted internal audits with crew and talents and found that Koshy had “not made any sexual advances” towards others in the company (Lay, 2020). Following the clarifications issued by Koshy's various influencer collaborators, some of the influencer talents—all of whom are male—under Koshy's management also publicly announced that they had left the company (Yahoo!News, 2020). After half a year, in early 2021, the talents signed to Koshy's management – known affectionately on the internet as the “Dee Kosh boys”—made their comeback to the influencer industry by launching a new YouTube channel (Lui, 2021b). In their new video, some of the influencers asserted that they “did not feel sexually harassed” nor were they “solicited for sexual favors” by Koshy (Lui, 2021b).

One year after the scandal broke, in August 2021, Koshy was charged with “multiple offences including attempted sexual exploitation of a young person and making obscene films” (Lam, 2021). He is accused with offering money to four 15-to-17-year-old boys to perform a sexual act on them, and have a sex act performed on him, and also of making two “obscene films” and possessing “23 obscene videos” in his home (Lam, 2021). Koshy was offered bail of \$20,000 (Lam, 2021). Three of Koshy's seven charges fall under the “Films Act” and one under the “Children and Young Persons Act” (Alkhatib, 2021). If convicted, the punishment under both Acts is a jail term of up to 2 years and a fine of between \$20 and 40,000, and a jail term of up to 5 years or a fine of up to \$10,000 or both (Peters, 2021), respectively.

Most recently in May 2022, Koshy “admitted to sexual offences involving two underaged teenage boys” and “pleaded guilty to a third charge of making an obscene film” (Tham, 2022). The court heard that Koshy had “used his verified Instagram account to message the first underaged victim,” suggesting that the former had leveraged on his influencer fame to contact the victim (Tham, 2022). Koshy had also suggested that one of the minors “work for him, offering to teach the boy about production work, how to take selfies and ‘help create a confident boy” (Tham, 2022). Another victim was invited to Koshy's home under the pretext that it “might lead to a recruitment opportunity” at his company (Tham, 2022). The Deputy Public Prosecutor overseeing the case said that the victims were “afraid of the consequences of going against the accused whom they all viewed to be a celebrity with a large following” (Tham, 2022). While he was convicted, Koshy was “asked to attend medical examinations at the Institute of Mental Health before he is sentenced” (Devaraj, 2022). He revealed in a YouTube video in January 2022 that he “underwent a psychological assessment which revealed that he did not ‘fulfill the diagnostic criteria’ for paedophilia” (C. Tan, 2022).

CONCLUSION

What all the cases in the article demonstrate is not the failure of the courts or the police to catch criminal behavior, but the inadequacy of the law to deal with complex modern online phenomena, combined with entrenched cultural values that make certain behaviors such as reporting sexual assault, difficult, shameful, and punitive. Furthermore, as expected in culturally pluralistic societies such as Singapore, minority/majority tensions complicate regulation of this relatively new influencer industry even further. Thus, outdated laws, antiquated cultural values, and complex social relations all make it so that the existing legal framework allows the public to punish social media influencers, disproportionately affecting minority Singaporeans, while crimes committed by social media influencers remain unregulated. Lastly, on “taboo” subjects, such as LGBT lifestyles, the spectre of anti-sodomy laws have socialized many to believing that LGBT identities are in themselves illegal, and harsh, swift, and punitive punishment of LGBT social media influencers only reinforce this stereotype.

With COVID-19 and the rise of fake news, the government has attempted to regulate media even further, through the Protection from Online Falsehoods and Manipulation Act (POFMA) which explicitly mentions the regulation of words that “incite feelings of enmity, hatred or ill-will between different groups of persons.” Those in violation of this section of the law can be fined up to S\$50,000 and/or a term of imprisonment up to 5 years (POFMA, Part 2, Section 7[2][a]). Furthermore, media platforms can be fined up to S\$500,000 (POFMA, Part 2, Section 7[2][b]). Given how minority influencers who upload content discussing their dismay over racist or insensitive content get policed, while majority race influencers have gotten away with insensitive remarks, POFMA may exacerbate the uneven regulation and under protection of some social media influencers. While enhancing the law may aggravate the existing situation, efforts have also been made to address racism and anti-LGBT actions through the synchronizing the racial and religious criminal offenses with Maintenance of Religious Harmony Act (MHRA). Thus, instead of being charged with a crime, those accused of making insensitive remarks can voluntarily participate in a Community Remedial Initiative, which allows the offender to work towards understanding why their comments were insensitive instead of being convicted of a crime (H. Ng, 2019). Moreover, in 2019 an amendment was also made to the MHRA to make it an “offence to urge violence on religious grounds and to incite hatred or ill-will” (Ministry of Home Affairs, 2022). The explanatory notes to the change make it clear that LGBT people are included as a protected class under this section (MHRA Bill, 2019: Explanatory Statement). Thus, these changes can soften the harsh and punitive ramifications of a legal system that can lead to uneven regulation. However, while POFMA may lead to more prosecution in some instances, and changes to the MHRA softens the effects in others, at the end of the day, the implementation of the law, people's biases and their filing of police reports, as well as the deeply embedded fear and shame in speaking out against certain types of sexual violence all make regulating the influencer industry an incredibly difficult task.

As social media continues to evolve as a sophisticated and highly popular industry, it is becoming more important for the law to evolve in tandem to protect social media influencers and those that work for them. Given Singapore's rich cultural diversity, technologically savvy populace, and well-developed legal system, it serves as a perfect site to advance legal protections for social media influencers to encourage the growth of this thriving new industry, and protect those that work within it. While efforts have been made to update these laws, fine-tuning this regulation of the industry may also provide the nation with an opportunity to look inward to re-evaluate some of the biases embedded in its social, cultural, and legal institutions to help remove the stigma of sexual assault and LGBT identities, and to enhance the protection of racial and religious sentiments, rather than police and punish those who experience or speak out about attacks against them.

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ENDNOTE

- ¹ On August 21, 2022, Prime Minister Lee Hsien Loong announced that the colonial-era law would be repealed by the Singapore Parliament. See Wong, Tessa, “377A: Singapore to end ban on gay sex,” *BBC News*. Last accessed on August 29, 2022. <https://www.bbc.com/news/world-asia-62545577>.

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How to cite this article: Radics, G., & Abidin, C. (2022). Racial harmony and sexual violence: Uneven regulation and legal protection gaps for influencers in Singapore. *Policy & Internet*, 14, 597–617. <https://doi.org/10.1002/poi3.320>