

SOCIAL MEDIA REGULATION IN NIGERIA: IMPLICATION AND CHALLENGES**DUMEBI OLANNYE-OKONOFUA****DEPARTMENT OF MASS COMMUNICATION, FACULTY OF SOCIAL SCIENCE,
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The argument over social media censorship has risen to the forefront of public debate across social milieus and on a worldwide scale. The cause is being promoted by government entities based on what they call "platform misuse." According to authorities, social media has the potential to further polarize an already polarized country like Nigeria if it is not addressed promptly. Traditional media, on the other hand, is regulated, and many believe that the desire to regulate social media is a ruse to stifle free speech. The Nigerian Press Council and the National Broadcasting Commission control the broadcast and print media in the country, respectively. Overregulation is considered as a threat to free speech in a democratic society. As a result, Nigerians of all political stripes have reacted negatively to the proposal to regulate social media. The implications and challenges of regulating social media in a democratic society like Nigeria are discussed in this study. The main problem is that citizens' right to free expression is being violated. The study used content analysis to find secondary data sources that were helpful in evaluating the obstacles and consequences of enacting social media regulations in Nigeria. The study finds that regulating social media is difficult because it will almost certainly be seen as an attack on freedom of expression, which democratic regimes around the world strive to protect.

Keywords: Social Media, Press Freedom, Nigerian Government, Nigeria

Introduction

The media, both mainstream and community media, play an important role in realizing and exercising the right to freedom of expression. Laws, norms, and processes govern media regulation, which differs around the world. They exist to preserve freedom of expression and media freedom, as well as to regulate media markets, ownership, infrastructure, and technical standards; thereby safeguarding public interests. "Media regulation" according to Freedman (2017) refers to the practice of using a variety of specialized, often legally binding techniques to media systems and organizations to achieve policy objectives such as pluralism, diversity, and inclusion.

On Thursday June 10th, 2021, the Nigerian government announced that Facebook, Twitter, Instagram, and other social media companies must apply for broadcast licenses, continuing a contentious attempt to control them. In a newspaper

advertisement, the National Broadcasting Commission (NBC) invited all Nigerian social media platforms and internet broadcasting service providers to apply for a broadcast license. Armstrong Idachaba, NBC's director-general, signed the proclamation, which was published in The Nation newspaper.

The application, according to Mr Idachaba, is in accordance with section 2(1)(b) of the National Broadcasting Act CAP N11, Laws of the Federation 2004). "The Commission is responsible for receiving, evaluating, and considering applications for the formation, ownership, or operation of radio and television stations, including cable television services, Direct Satellite Broadcast (DSB), and ANY other form of broadcasting." The National Broadcasting Commission hereby requires all Online Broadcast Service providers and Social Media Platforms operating within the Nigerian State to apply for and get a broadcast license for their service(s), the official stated (Olufemi, 2021).

Regulation includes both explicit statutory standards imposed by governmental authorities (such as quotas, content requirements, and ownership limitations) and more informal codes of behavior formed and executed by media companies in collaboration with the government. Media regulation is thus linked to media policy, which is the attempt by governments and other official decision-making bodies to promote specific types of media structure and behavior, and media governance, which is the full range of formal and informal mechanisms created in both governmental and non-governmental settings to organize media systems in specific ways (Freedman, 2017).

Despite the resistance of many Nigerians and civil society organizations, the Nigerian government is moving forward with restricting the use of social media, according to the NBC announcement.

Statement of the Problem

On Friday, June 11th, 2021, the Nigerian government banned Twitter for violating its "abusive behavior" regulations by deleting a tweet from Nigerian President Muhammadu Buhari: "Many of those misbehaving today are too young to be aware of the destruction and loss of lives that occurred during the Nigerian Civil War," Buhari wrote in the now-deleted tweet. Those "who went through the war, will treat them in the language they understand." Buhari's Twitter account was suspended for 12 hours, and he was told to erase the tweet. Following the government's restriction of Twitter access, Nigerian Attorney-General Abubakar Malami instructed the Ministry of Justice to pursue anybody who disobeyed the ban. The tweet likened the deadly Nigerian Civil War of the 1960s to a spate of attacks on government

offices in the country's southeast by Nigerian secessionist parties (Forbes, 2021). The Nigerian Government felt disrespected and ignored by twitter's action in attempting to uphold their culture of fairness and justice by removing a tweet that violated their laws, and thus imposed a ban on the social media platform without considering its citizens and how Twitter helps them meet their needs. An estimated 40 million Nigerians have been denied access to Twitter and can only access by bypassing domain restrictions through alternative mediums.

The goal of this research is to examine the implication of the Nigerian government ban on press freedom using social media as a study.

Objective of the Study

The specific objective of the study is to:

- Examine the various attempts Nigerian government have made in regulating press freedom on social media
- Find out the implications of such attempts on press freedom

Literature Review

Social Media Regulation and Nigeria

In Nigeria, bills aimed at regulating social media are not uncommon. Indeed, since the power of digital media platforms was put to the test during the 2015 Nigerian general elections, requests have been made to regulate the platforms. In a study, Osuigwe (2018) identifies the Anti-social media Bill, also known as the Frivolous Petitions Bill, which was introduced in the Nigerian Senate in 2015 and even reached second reading before being thrown out after due consideration based on recommendations. Nigerians were concerned that the bill was an attempt to

stifle free speech while it was being debated (Attoh, 2016).

Following the 2020 EndSARS, Nigeria's executive arm of government, through the Minister of Information, officially called for social media sites such as Facebook, Twitter, and Instagram to be regulated (Onuah & George, 2020). The updated version of the Protection against Internet Falsehoods and Manipulation and other Related Matters Bill 2019 emerged and passed second reading — a legislative procedure for bringing a bill into law — just weeks after the minister made the demand (Egbunike, 2020). However, this was not the first time the bill had been introduced and debated; it was first presented to the legislature in 2019. The digital activism that is increasingly taking root across platforms are to blame for the increased clamor for social media regulation. Several issues bordering on security, safety, and other relevant topics are addressed in the bill's provisions. The bill reads, in part, that it is a crime if someone or something transmits a false statement using electronic means — such as social media. Furthermore, the bill states that if such transmitted statements have an adverse impact on Nigeria's security, public health, public finance, public safety, or external relations with other countries, influence electoral outcomes by favoring a candidate, or cause hatred or enmity toward an individual, it is a criminal offense punishable under Nigerian law. (Paul, 2019).

Protection against Internet Falsehoods and Manipulation and Other Related Matters, according to Policy and Legal Advocacy Centre-PLAC (2019)—an non-governmental organization Bill 2019 addresses issues such as fraudulent assertions made on social media platforms such as Facebook, Twitter, and Instagram, among others. It also addresses the

dissemination of incorrect information via SMS and MMS. It advises that criminals who make misleading remarks on social media face criminal charges and appropriate penalties. Individual offenders might face a fine of 300,000 NGN or a three-year prison sentence under the bill, while groups of individuals or organizations could face a fine of up to 10 million NGN. The same sanctions apply, according to PLAC, when an individual or group uses false or inauthentic social media accounts to either broadcast or amplify the transmission of the same. In a similar vein, the Independent National Commission for the Prohibition of Hate Speech Bill aims to make "hate speech" illegal. The bill's provisions make any abusive or insulting comment, as well as any visual or written material capable of inciting ethnic hatred, illegal (Eke, 2020).

Ban/Infringement on Press Freedom

Several occurrences in Nigeria have opened new perspectives on the new media platforms for the government and citizens of the country. Some believe it provides the necessary context and platform for civic engagement, while others say it is a force for evil. Hate speech, the dissemination of untruth, and cyber bullying are all issues that could justify social media regulation in Nigeria (Ben-Hirki, 2021). Similarly, the importance of social media in the #OccupyNigeria 2012 movement, #EndSARS 2020, and other citizen demands for accountability and transparency in government, as well as requests to regulate platforms, have rapidly permeated the traditional and new media spaces. Government organizations and arms such as the Executive and the Legislature are leading the charge (Kazeem, 2020). Such calls to restrict social media platforms have elicited a strong reaction from Nigerians both at

home and abroad, as one might expect (Vanguard, 2020). However, the Nigerian National Assembly is now debating two significant legislations, both of which are aimed at controlling social media.

Anti-Falsehood and Manipulation on the Internet in the Senate Bill 2019 (Ewang, 2019) is being discussed, as is a bill to establish the Independent National Commission for the Prohibition of Hate Speech (Ayeni, 2020). Both proposals are perceived as aimed at restricting free speech and punishing social media users for being able to express themselves—the hate speech bill recommends the death sentence as the highest penalty for violators (Amnesty International, 2019). Unlike totalitarian governments, democratic ideals do not support any type of censorship of public speech or opinion.

The internet and new media, which includes social networking sites like Blogs, Facebook, Twitter, Instagram, and WhatsApp, has transformed communication around the world. The ability of social media communications to reach a large, diversified audience instantaneously and simultaneously, potentially affecting their thinking and way of life, is crucial. While the public has grown accustomed to government regulatory agencies regulating traditional media outlets such as radio, television, and print, the idea of regulating social media, which many users consider to be their primary means of airing their unfiltered opinions, has sparked a lot of debate.

According to a Data Reportal 2021 report, Nigeria's social media users numbered 33 million in January 2021. (Kemp, 2021). People now have a platform to have a say in governance thanks to social media, which allows individuals to discuss issues, band together for a common goal, and hold authorities responsible

(Chakrabarti, 2018). Furthermore, Chakrabarti claims that social media was dubbed "technology for emancipation" because of its participation in the Arab Spring.

Foreign meddling, misleading news, echo chambers, political harassment, unequal participation, and more are some of the issues raised by Chakrabarti in relation to the effects of social media on democracy. Above all, social media creates space for and upholds the democratic principle of free expression – and this is where things get interesting. Governments are concerned that platforms are giving citizens too much power (Howard, 2011), and have responded by attempting to regulate social media in violation of democratic principles such as free expression. This necessitates an examination of the challenges and implications of regulating social media.

Nigeria is a democracy, and its citizens appreciate freedom, having previously experienced both despotic and democratic regimes. With the return to democracy in 1999, however, free expression has always occupied a prominent position in intellectual debate. In Nigeria, attempts to restrict freedom of expression have always been met with fierce rejection. "Freedom of expression is seen as a cornerstone of democracy, ensuring the consolidation and development of democracy," according to Attoh (2016). Free speech has recently been threatened by various pieces of legislation, even amid a democratic administration.

Bond (2020) points out that one of the major challenges with regulating social media is the ambiguity of language. According to Bond, the regulatory language's ambiguity could be exploited by government enforcement authorities to act in coercive ways. According to Amnesty International

(2019), the Nigerian social media bills are ambiguous and vulnerable to interpretation, posing a major threat to freedom of expression.

Theoretical Framework

Normative Theory

Fred Siebert, Theodore Peterson, and Wilbur Schramm (1956) initially developed normative views in their book "Four Theories of the Press." A normative theory discusses how a government, authority, leader, and the public should control and administer a media system. The link between the press and the government is more fundamental to normative ideas than the interaction between the press and the audience. These ideas are more concerned with media ownership and who controls the country's press and media. The normative theory fit for this study is the Soviet Media Theory.

Leninist ideals, which are based on Carl Marx and Engels' worldview, are imitated in Soviet media theory. To serve the working class and their interests, the government takes over or controls all media and communication. The government has complete control over all media for the good of the public. They made it illegal for the press and other media to be owned by private individuals. Information, education, entertainment, encouragement, and mobilization are all provided by the government media in order to foster positive views and build a strong socialized society.

Regulation theory

Sonia Livingstone and Peter Lunt came up with the media perspective of regulation theory. The complexity of managing media in a global mediated realm was explored in regulation theory. The theory's central notion is to exert control over media industry products, particularly in relation to people and media content

consumers. Citizens' needs collide with those of consumers, according to Livingstone and Lunt (2007), and attempts to safeguard them may limit freedom. In other words, attempting to regulate media material just to protect citizens from what authorities may deem "dangerous" might obstruct free speech. Livingstone and Lunt (2007) selected four case studies of the UK's Office of Communication, also known as Ofcom, in their research. Livingstone and Lunt made an excellent point in arguing that it is often difficult to balance citizens' and customers' interests, which makes regulation challenging. With the arrival of digital media, the study also reveals that regulating (unlike in the conventional media age) is no longer a simple task. According to Livingstone and Lunt, new technology and platforms that allow consumers to access material are progressively giving media enterprises a worldwide scope, requiring additional regulation.

Challenges of Social Media Regulation

The nature of the internet poses a significant problem to social media regulation. It is not constrained by geographical bounds, which causes significant issues for authorities (in any case). Because the internet is borderless, it is feasible that virtual operationalities of the virtual environment exist — for example, someone may operate it in one country while it is hosted in another, and those commenting could be from a whole different country (Solmone, 2018). The complicated nature of the internet, according to Solmone, creates a "thorny dilemma" for government bodies tasked with regulating platforms.

The absence of international consensus on platform regulation is proving to be a problematic issue for countries

interested in policing social media. The concern here is that a social media user can take advantage of the anonymity provided by platforms, tap into their ubiquity, and make unpleasant comments directed at a population in another country. It may be tough to hunt down such people. Even though various organizations, countries, and individuals have called for tech corporations to include control mechanisms, it is important to remember that the issue remains complicated. Twitter, for example, recently issued a permanent ban on Donald Trump, the 45th president of the United States, and then disabled his account (Twitter Incorporated, 2021), a decision that was widely criticized as an infringement on his personal right to free expression (Ahmad, 2021).

As a result, we can conclude that one of the difficulties with social media platform regulation is that such activities will encroach on individuals' rights and more. Furthermore, even if it is legal in one place, it may not be so lucky in another, as different countries approach social media legislation from different perspectives.

Implication of Social Media Regulation in Nigeria

- i. Regulation of social media will stifle freedom of expression - The legislation attempting to regulate social media have been dubbed annoying because they target free expression. To put it another way, the bills seek to prevent people from expressing themselves. The bill has several consequences, one of which is the abolition of freedom of expression (Egbunike, 2020).
- ii. The anti-social media measures would also target journalists and other media professionals. According

to Amnesty International (2019), Nigeria's existing laws, such as the Cybercrime Act and the Terrorism Prevention (Amendment) Act 2013, are already targeting journalists and other members of the media. According to Amnesty International, around 19 journalists and media professionals were detained, arrested, attacked, or forced to disappear in Nigeria in 2019.

- iii. Regulations are being proposed or pushed in order to stifle dissenting voices and keep them silent indefinitely. Unlike previous military administrations, this time it is via the use of the law. Orji (2019) characterizes the two bills as vague and vulnerable to exploitation in Nigeria. Orji goes on to say that Nigeria is a country with a poor level of trust, tolerance, and maturity, and that dissent or criticism of the government might easily be misconstrued as hate speech, given the meaning of the term used in Nigeria.
- iv. The law could give the government broad information control — Though debatable, Oso (2013) asserts that the media speaks for the people and acts as a watchdog, and that there is widespread consensus that the extent and nature of a democracy's mass communication system is linked to that democracy's development. "Mass media and democracy are intrinsically intertwined," according to Santas and Ogoshi (2016). Over-regulation of the media, which is a crucial stakeholder in any democracy, might pose a major threat to the media's ability to function.

Conclusion

If free speech is not guaranteed in a government for everybody, it is regarded a failing of the democratic ethos. Free speech is one of the ways that citizens can engage in the governance process in a democratic society. As a result, this study indicates that planned social media regulation is becoming increasingly difficult to implement, as the implication is the stifling of free expression, and such actions may obstruct the development of democratic ideals, the most important of which is free speech.

Recommendation

It is recommended that the Nigerian government should reduce to the lowest minimum its urge for complete control of the press and allow the press to exercise their right to freedom of information and freedom of expression.

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