

Circumspections of Information on Social Media: A Review of Extant Literature

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Abstract

This study is an analysis of the various potential problems and dangers both legally and socially that arise from the increased use of social media by its users. The methodology adopted is non-doctrinal, wherein relevant literatures were reviewed to determine the legal and social issues on users arising from viral information on social media. The work shows that despite the numerous benefits viral information on social media brings, it possesses legal challenges such as copyright infringement and defamation where there are no regulatory policies, it also helps to spread unverifiable and unreliable information and it can also be a distraction to employees in a workplace as well as students. The researchers recommended the need for Nigeria to have laws to regulate and protect social media users and also content creators to protect their work from copyrights on the social media platforms.

Keywords: Circumspection, Internet, Social Media, Viral, Information

Introduction

The internet provides an open space for the exercise of the right to receive and impart information and this has redefined public discourse and information sharing process. Social media provide rapid sharing/ dissemination of information such as live reports that capture and show us the world events right here right now. It further created more affordable advertising and promotions for businesses with a more direct business and customer relationship compared to using websites. The benefits are enormous. However, it also brings to light that the system in Nigeria created unrestricted and unregulated freedom of expression by the citizens and even interrelations with citizens of the world.

In Nigeria, before the advent of social media, people relied on the conventional media as their reliable and trusted news source. The conventional media provided the public with well researched news that were supervised and scrutinised. The social media arrived with the ability to do same much faster and with a freedom for the public to develop and distribute information in their own quota. Unfortunately, this new model of dissemination of information has been abused severally because it provides the public with anonymity and immunity to by cut the order of supervision and scrutiny As a result, some unscrupulous elements with gruesome intentions use the social media to create fake news/ information and distribute. An example of such events occurred during the Covid - 19 Pandemic immediately the news that the chief of staff to the President, Mallam Abba Kyari tested Positive to the Corona virus broke out, there were unconfirmed reports that given the closeness of the President to the Chief of Staff he might have contracted the

virus and this unconfirmed report went viral especially through social media channels. Unproven cures and interventions are also regularly propagated, especially via social media channels such as WhatsApp. For instance, hydroxychloroquine, a drug used for malaria previously, has been touted as a cure. This caused a frenzy causing people to stockpile it thereby instigating much discussion on social media which raised more panic and unverifiable information to go further into circulation.

We now live in a digital world, surrounded by a deluge of information on the internet which is the platform for social media. Social media are invaluable means of disseminating information to the citizenry; hence it is a powerful tool for propaganda. The internet through social media, has made us more connected than ever, thus created a new information age of virtual surrounding with loads of information. However, the originality, reliability, authenticity and verifiability are a source of concern and beg to be questioned. This is because discerning truth from hearsay has become an enormous task. Social media information has recently raised a lot of concerns. We now have many virtual news sources with doubtful reliability that keep surfacing and sharing information both verifiable and unverifiable. It has proven to spread like wild-fire, it is difficult to contain or correct; more so its capacity to distort the eventual truth, makes it a threat to society. This forms the thrust of this study.

Review of Related Literature

Over the past decade, social media platforms have penetrated deeply into the mechanics of everyday life, affecting people's informal interactions, as well as institutional structures and professional routines. Far from being neutral platforms for everyone, social media have changed the conditions and rules of social interaction. The introduction of Facebook, Twitter and other digital media, according to Levine (2012), has opened up a whole new world of social interaction and potential distraction in the office environment. Adegbilero- Iwari & Ikenwe (2014), cited in Zakaria & Birikorang (2018) aver that “social media, otherwise known as the new media, is a form of electronic communication which facilitate interaction based on certain interest characteristics on web 2.0 technology.” Social networking sites like Facebook, Twitter and LinkedIn as well as user generated content sites, including YouTube and Flickr, became the core of a host of web-based applications that together formed an expansive ecosystem of connective media (Van Dijck, 2013). Asemah (2011) defines social media as a digital interactive media. Sambe (2014) sees social media as a new media technology, a product of Information and Communication Technology (ICT). Both the internet and the social media have become veritable tools in Nigeria. In almost all sectors of the economy these new technologies are used.

Mirae (2013) in her work, “the collision of social media and social unrest: Why shutting down social media is the wrong Response” discussed and identified the social media’s role as a powerful communication tool that has proven to be a vital instrument in fuelling social and political change around the globe. However, she was also of the opinion that, there may be opportunities to develop technology that employs social media to identify and help prevent dangerous incidents from occurring. Michael Best, a Georgia

Tech Associate Professor and his team of researchers designed an aggregator tool for a Nigerian group that sought to use social media to track the election process and identify any potential problems. The social media aggregator tool received information from different social media sources and analysed the data in real time using keywords. The team used social media to measure public response to political events in real time to help improve the electoral process. Thus, if violence erupted during or immediately after the Nigerian election, the time saved by having identified the situation in real time could significantly improve law enforcement's ability to respond promptly.

Ekhareafu & Ndubisi (2020) in their paper titled "media information management and social media comments on Muhammadu Buhari's Health: A textual analysis" identified that the President's health has been a subject among media bloggers and mongers and opined that this was as a result of the slow response or lack of it on the part of the information managers of the government, which created an avenue for social media users to give and circulate different interpretation to the issues.

Theoretical Framework

This study is anchored on the theory of rumour transmission and the elaboration likelihood model. The theory of rumour transmission should help us to understand characteristics contained in a rumour that makes individuals likely to transmit and consider what leads an individual who receives a rumour to be persuaded to a sufficient extent to retransmit it. The theory has in its early research on rumours, identified ambiguity and importance as the main drivers of rumour transmission (Buckner, 1965). Anthony (1973) adds anxiety as another important driver. The suggestion is made that the strength of a rumour depends on its importance multiplied by the difficulty of falsifying it.

On the other hand, elaboration likelihood model is a theory of persuasion. The theory proposes that recipients of a message will process the message via either a central route or a peripheral route. Under the central route, individuals think carefully about issue-relevant arguments and the quality of the message content (Petty & Cacioppo, 1986). Under the peripheral route, individuals engage in little scrutiny of message content and focus on peripheral cues such as source credibility (Pornpitakpan, 2004). Goode & Ben-Yehuda (1994) opine that rumours are more likely to be adopted if they seem truthful, however, peripheral cues become important where there is typically a lack of verified information in disasters and people look to peripheral cues when facts are hard to verify (Petty *et al* 1976, Petty & Cacioppo, 1986). Both theories are helpful in studying rumour transmission and retransmission and the effect they have on recipients and the society at large.

Methodology

Secondary data were used. Extensive information found on the internet and journals were used therefore, explanations are mostly from the works done by others.

Discussion

Social media as buttressed by Sokoya, Onifade & Alabi (2012) is popular because it allows people to connect in online world to form a group, a forum and community where ideas and information can be exchanged without geographic barrier. According to Wall (2020), nearly all laws all over the world were created to govern our relationships among individuals and the government and our ability to conduct business, manage employees, and promote products and services were created long before social media was commonplace. We, therefore, apply “old” laws to new technology and most of the time, it is like trying to fit a square peg into a round hole. Issue on social media arises over who owns content being shared, when and where the sharing is appropriate and what limits are imposed on these sharing. These often give rise to legal issues relating to trademark infringement, copyright infringement, international rights infringement and labour law relations among others. Also, the ability to electronically “copy-and-paste” from web-based materials has raised new concerns of plagiarism. This is exacerbated by the ability of social media to broadcast copied material to a large audience. In the process of doing so, there is a clear possibility of violating the copyright of the author or owner of the original work and in most cases, the owner of the original work is lost when the content goes viral.

In discussing who the originator of a content being shared is, it is important to note that when such contents are posted or shared on a website, the ability of users of the said website to use and reproduce is regulated by the licensing rights of the website detailed in the terms and conditions. However, when such content is on a social media platform, such rights are contained in the terms and conditions of the platform. The implication of this is such that by posting content on a social media platform, you are not only authorising the platform to use your content for any purpose including for commercial purpose, but they can license your content to third parties without having to request your permission. This is one of the foundational issues where certain content can be copyrighted and used for commercial purposes and even to perpetuate commercial fraud. For instance, that is what happened to Daniel Morel, a photographer who was in Haiti during the devastating January 2010 earthquake. Starting just minutes after the quake, Morel posted dramatic first-hand-account photos. Soon after Morel’s posting, the photos went viral. Unfortunately for Morel, someone else copied and posted his pictures on their own *Twitpic* page and claimed ownership. Soon after, French news and photo agency Agence France-Presse added the images to their photo database, which, in turn, were transmitted to Getty Images and then published in hundreds of newspapers and online sites across the globe. Credit for the photos went to AFP, Getty and the name of man who first copied Morel's photographs (Bilal, 2016).

Another aspect that also needs to be looked into is which laws apply when using social media Platforms. Social media platforms remain a private space; hence, the terms and conditions or policies of users remain the primary law. The implication of this is that national laws do not necessarily apply in the social media space. However, national courts may overrule this choice of law when mandatory provisions of national law are applicable

In Nigeria, social media have significantly impacted some of our fundamental rights, one of which is our right to privacy - the right to have one's personal life free from public scrutiny. It presupposes that individuals should have an area of autonomous development, interaction, and liberty, free from intervention by other uninvited individuals. According to Section 37, Constitution of the Federal Republic of Nigeria 1999 as amended (1999 Constitution), the privacy of citizens, their homes, correspondence, telephone conversations and telegraphic communications is hereby guaranteed and protected. In light of the aforementioned, it is an invasion of privacy on social media when a user posts the image or video of another user without authorisation and not in accordance with his/her own usage. For example, where a Virtual Augmented Reality (VAR) studio intends to model the popular Broad Street in Lagos Island, the studio will have to obtain license from IP rights holders whose marks are visible on the street. This is equally applicable to individuals with personality rights who are randomly captured on the street. Therefore, posting images or videos of people without their consent on social media can amount to breach of their right to privacy.

Another instance of right to privacy was raised in *Harvey v. Niland & Ors*, where the Plaintiff illegally obtained the password of the Defendant's Facebook account to obtain evidence to support his claim in Court. The High Court (HC) allowed his evidence because it was the basis for the Plaintiff's claim, even though it was illegally obtained. This position is also similar to the provisions of Section 14 of the Evidence Act 2011 which provides that improperly obtained evidence "shall be admissible unless the court is of the opinion that the desirability of admitting the evidence is out-weighted by the undesirability of admitting evidence."

Defamation is another form of violation that can occur with the use of social media. It appears either in the form of slander or libel. Libel is communicating a defamatory statement made in writing, while slander is verbal defamation. Any posting of false information about anyone on social media by creating original contents about another user, commenting or using emoticons, may expose the creator when found to be defamatory (Titilade, 2020). Recently, it was reported that a Nigerian actor sued a popular female influencer on Instagram for asserting in a video she made that the actor was gay. The matter is still pending in court. These cases show the growing influence social media have on defamation and the need for users to be circumspect with their online publications. Although, currently, there are no existing Nigerian laws for social media offences, but the Anti-social Media Bill (2019) was proposed by the Senate to criminalise the use of the social media in peddling false or malicious information.

In businesses, social media have not just assisted in providing more affordable advertisement, but have also allowed for employees in the workplace dealing with a difficult work problem to be able to get speedy solutions from the information on social media. In other words, it enhances information discovery and delivery. However, it can also make employees get too absorbed with the fame and the happenings in the digital world that they forget to engage with their co-workers. They become more preoccupied with themselves and eventually change how they interact with their co-workers and higher ups. One of the most obvious problems associated with the usage of social media

in the workplace is that it can eat up the time of employees and significantly lower their productivity. The time spent scrolling through their social media accounts could have been used to complete their tasks and responsibilities ahead of time instead. Furthermore, valuable and confidential information about new and unreleased services or products might be leaked and/or stolen by other companies. Access details such as usernames and passwords used in business systems may also be disclosed accidentally by employees. When employees release this essential and confidential information to the public, the security of companies could be at risk and are more prone to online scammers and criminal activities.

Brady, Holcomb & Smith (2010) state that social media provide efficient ways for education; students use social media for E-learning, develop communication skill and raise their learning skills. In spite of what appears to be the positive aspects of social media, various studies such as the works by Ngonso (2019), Okechukwu & Idogun (2018), Anyanwu, Ossai-Onah & Iroeze (2013) have also shown that there are a lot of negative aspects of social media particularly on teenagers and youths who use them as a means of socialising rather than directing them towards academic pursuits. They opined in their study that access to social media by teenagers and youth creates a great distraction, affects learning and comprehension of teaching in class and aids in cheating during examinations.

Further studies have also shown that teenagers and youths are affected negatively on social media because of unrestricted information available on the social media. Even where the platform simply requires that you are up to 18 before you are granted certain access, most youths ignore this rule and are exposed to unlimited adult information. Constant exposure and interaction with social media, regardless of the convenience they provide, also expose their users to certain online connections that may at some point, put their safety, emotional and psychological well-being at risk. According to Ghada (2019), cyber bullying is considered one of the potential risks on social media and online platforms. Cyber bullying and online harassment are considerable problems for users of social media platforms, especially young people. A 2016 report of the Cyber bullying Research Centre indicates that 33.8% of middle-and high-school students aged between 13 and 17 are at some point subject to being victims of cyber bullying. For both individuals and organisations, the experience of cyber bullying has also been linked with significant negative outcomes such as anxiety, depression, substance abuse, sleeping and eating disorders, and decreased academic performance.

Conclusion and Recommendations

In conclusion, the social media trend is likely to continue with even more new legal and social issues in the times ahead. Therefore, in order to control and mitigate related infractions as discussed above, the following recommendations are hereby given:

1. Nigeria needs to provide a clear picture on laws governing the collection and use of information that is considered personal, private or confidential, especially where it would apply to the usage of social media.

2. Those who desire proper attribution and/or royalties should examine the terms and conditions and privacy policy of any site where they plan to post content and ensure they register their work. Having a registered copyright provides you with a solid basis on which to protect your creative work.
3. Bloggers whose jobs require publishing news, celebrity gossip, a writer's opinion and thoughts about places, products, services, etc. should verify facts before publication. This is because erroneous facts or innocent mistake do not constitute valid defence to defamation and the injured party will be entitled to damages.
4. Workplace should regulate usage of social media during office hours to ensure optimum performance from employees.

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