

**The Violation of the Law of Defamation in Political Campaigns on Social Media During
Nigeria's 2023 General Elections**

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Abstract

Background: Although Nigeria's 2023 general campaigns featured prominently on social media, limited studies have examined the violation of the law of defamation in the process.

Objective: This study examines the violation of the law of defamation in social media campaigns during the 2023 general election in Nigeria.

Method: The study used a descriptive survey, and the sample consisted of 321 active social media users with a background in law. Data were collected using a structured questionnaire, while analyses were done using percentages, mean, and standard deviation, as well as an independent t-test. The results were presented in charts and tables.

Result: The majority (52%) of the participants indicated that the law of defamation was violated on social media to a large extent during the 2023 general election campaigns in Nigeria. The participants indicated that there were more violations in the presidential election than in the governorship election. Also, there were more violations in the National Assembly election than in the State Assembly. Overall, there were more violations in the presidential election than in all the other categories of elections examined.

Contribution: This study has provided empirical evidence for understanding how social media use in politics has led to the violation of the law of defamation during electioneering campaigns.

Conclusion: The law of defamation was violated on social media during the 2023 electioneering campaigns.

Keywords: campaigns; elections; general election; law of defamation; social media; violation

Introduction

Social media has provided an alternative venue for politicking to the extent that during political seasons, political actors regard their social media presence as an important political strategy. Political activities were mainly carried out face-to-face before the advancement of technology and the eventual emergence of social media platforms. However, social media is now at the heart of contemporary politicking. Politicians and their supporters regard the use of social media as crucial to electoral success. Harris and Harrigan (2015) say that social media platforms have become important tools for voter engagement to the extent that they now contribute to shaping the direction of political events. Petrova et al. (2021) note that political campaigns are serious marketing exercises that social media have heavily impacted. Generally, there is consensus in literature (Effing, et al., 2011; Kahne, Bowyer, 2018; Kruse et al., 2017; Spierings & Jacobs, 2014) that social media platforms play crucial roles in contemporary politicking.

Social media platforms can be defined as Internet-based communication platforms that allow people to create and share self-generated content. Through the instrument of social media, people are able to create content in different formats like text, audio, video, illustration and pictures. Examples of social media include Facebook, X (formerly Twitter), YouTube, LinkedIn, Podcast, TikTok, and WhatsApp, among others. Social media platforms have the advantage of allowing people to engage with the voters, thereby ensuring that the communication between politicians and the voters is two-way. This assumption is supported by evidence in the literature

(Guess et al., 2018; Lisa & Harrigan, 2015) that social media have promoted engagement between politicians and voters. Social media platforms offer a free space for people to communicate their ideas and connect with the masses.

Social media is likely to be abused for political purposes. People are likely to use it to defame the character of their political opponents, thus going contrary to the Law of defamation. Typically, defamation is any statement that causes an injury to the reputation of another person. Section 289 of the Nigerian Penal Code Act (2008) defines defamation thus:

Whoever by words either spoken or reproduced by mechanical means or intended to be read or by signs or by visible representations makes or publishes any imputation concerning any person intending to harm or knowing or having reasons to believe that such imputations will harm the reputation of such person, is said ... to defame that person.

It is important to note here that the Penal Code is only applicable to the Northern part of Nigeria. However, the criminal Code that is applicable to the Southern part of Nigeria also captures defamation. Articles 512–514 of the Nigerian Criminal Code states: “Defamatory matter is matter likely to injure the representation of any person by exposing him to hatred, contempt or ridicule or likely to damage any person in his profession or trade by an injury to his reputation.” The law adds further that for such to be considered defamation, it must be made public in any form of communication at all. The punishment for defamation under the Penal Code Act and the Criminal Code is two years imprisonment or a fine, or both.

Nigeria’s 2023 general election was keenly contested. In the previous elections, there have always been two leading presidential candidates, but in the last election, three leading presidential candidates emerged. They were the candidate of the All Progressives Congress (APC), Bola Ahmed Tinubu (who later won the election), the Candidate of the Peoples Democratic Party (PDP), Alhaji Atiku Abubakar and the candidate of the Labour Party, Mr Peter Obi. All the candidates hugely deployed social media platforms, and in some instances, supporters of each of the candidates were accused of defaming the character of others using the instrumentality of social media. Such counter-accusations do not have empirical support. In addition, even though studies (Alam & Islam, 2016; Berti & Loner 2023; Mills, 2015; Marouf et al., 2019) have examined social media and defamation of character, such studies did not link it to politicking. This study sought to fill this gap using a Nigerian sample with particular reference to the 2023 general elections in Nigeria.

Objective of the Study

The general objective of this study was to determine the violation of the law of defamation on social media during the 2023 general elections campaigns in Nigeria. In doing so, the researchers paid attention to the nature of the election, whether national or state election. The specific objectives were:

1. To determine the extent to which the law of defamation was violated on social media during the 2023 general elections in Nigeria.
2. To ascertain, if any, the difference in the violation between presidential and governorship campaigns.

3. To determine, if any, the difference in the violation between National Assembly and State Assembly campaigns.
4. To ascertain how to promote adherence to the law of defamation in campaigns on social media.

Theoretical framework

The theory that was used in this study was technological determinism theory. The theory was suggested in 1960 by Marshall McLuhan to serve as a framework for understanding the impact of new technologies on societies (Drew, 2016). The theory sees technology as a driver of change to the extent that whenever it is introduced into any social system, it alters the way the system functions. The theory assumes that introducing a new technology into a social system determines how the system functions. It is perhaps with this in mind that the theory derives its name-technology determinism. It implies that the functioning of a society is determined by the technology available to its actors. In this study, social media is regarded as the technology, while the specific aspect of the functioning is the way defamation is committed. This theory assumes a linear relationship between a social system and its technology, whereby a change in technology influences the overall social system (Hallström, 2022). Before the introduction of social media into society, defamation was considered based on publication in newspapers or newscasts. Even at that, the distance covered by defamatory content was limited. However, with the emergence of social media, the scope and venue of defamation have also changed. The number of places where people defame another person's character has also increased. Someone can sit in the comfort of his house and write defaming content about another person and post it on social media. As a result of this, politicians also have more options to defame the character of their opponents. Content that cannot be published in traditional media, such as radio, newspaper, TV, and magazines, easily finds itself on social media during campaigns. During the 2023 general elections in Nigeria, there was intense tension among all the political parties and their supporters. Social media platforms were used significantly with little or no regard for the opponent's character. All the actors invested their efforts in ensuring they won the voters' support, and in the process, they ignored any form of caution. Söderberg (2013) avers that technology is at the forefront of driving change in contemporary society. In this study, the researchers considered the technological determinism theory appropriate for the study because it offers information for understanding the role of social media in aiding the violation of the law of defamation during the 2023 general elections in Nigeria. This study tested the following hypotheses:

H1: The violation of the defamation law in social media campaigns during the 2023 general elections differed between the presidential and governorship elections.

H2: The violation of the defamation law in social media campaigns during the 2023 general elections differed between the National Assembly and State Assembly elections.

Methodology

The researchers applied a descriptive survey to conduct this study. The choice of this design was because it is normally the most suitable design for studies that seek to describe, explain, or explore a phenomenon. The goal of this study was to understand the violation of the law of defamation on social media during the 2023 general election in Nigeria. The descriptive survey assists

researchers in interrogating different aspects of a phenomenon and arriving at a conclusion based on empirical evidence. For this reason, the researchers considered a descriptive survey to be the most suitable for the study. The target population of this study was social media users who had training in law, at least up to the first degree. This was to ensure that the participants were knowledgeable enough to understand how the law of defamation was violated during the 2023 general election in Nigeria. The sampling in this study was done using chain-driven referral sampling, also known as snowball sampling. This type of sampling normally begins by identifying potential participants who recommend other eligible participants. The initial participants in this study were identified through announcements that were sent to Facebook, WhatsApp and X (formerly Twitter). The participants were then requested to recommend other participants. To be included in the study, a participant must have at least one social media account, must have been using social media for at least two years, and must be a graduate of law. After the initial announcement, 26 participants indicated interest in taking part. In chain referral sampling, the initial respondents are called the seed. Overall, a total of 321 participants were recruited for the study.

The questionnaire was used as the instrument for data collection. The questionnaire was chosen because of its capacity to generate large volumes of data. Also, the questionnaire is the most common instrument associated with surveys. Therefore, the researchers used the questionnaire to generate sufficient data to understand the violation of the law of defamation in social media campaigns during the 2023 general election in Nigeria. Three experts, one each in law, political science and sociology, validated the instrument for the study. The experts' comments were found helpful in preparing a final draft of the instrument. The researchers also conducted a pilot study involving 30 participants to determine the instrument's reliability. The result revealed a correlational coefficient of .76, implying that the instrument was reliable. During the study's data analysis, the researchers used percentages, mean and standard deviation among the descriptive statistics. Among the inferential statistics, the researchers used an independent t-test to determine the mean differences in the study. The results were presented in charts and tables. It is important to clarify that because the respondent format was a four-point Likert scale, the baseline for accepting or rejecting items was 2.5.

Results

Among the 321 copies of the questionnaire that were filled, 309 were correctly filled, while 12 copies were wrongly filled. This means that the return rate for the study was 96%. The sample was 57% male and 43% female. Also, the mean age of the respondents was 35 years. This means that the respondents were mainly youth. The result of the study is presented below based on the study's objectives.

Objective one: To determine the extent to which the law of defamation was violated on social media during the 2023 general elections in Nigeria.

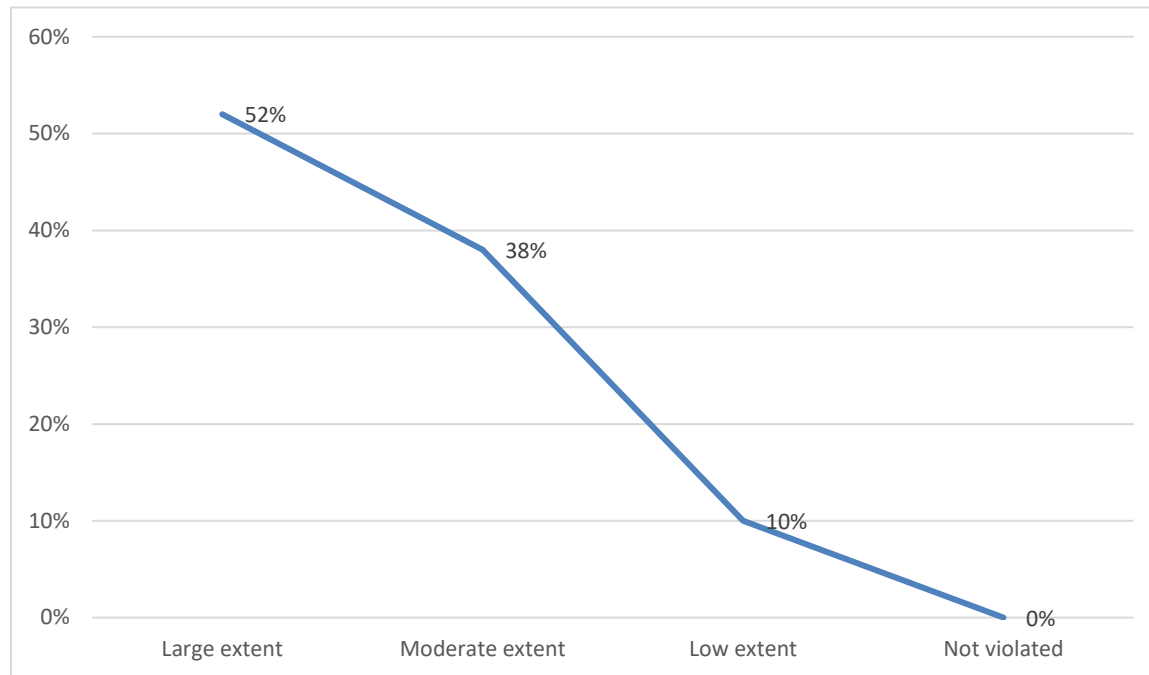


Figure 1: The extent to which the law of defamation in social media campaigns was violated during the 2023 general election

Figure 1 examined the extent to which the law of defamation was violated in social media campaigns during the 2023 general elections in Nigeria. The result of the study showed that more than half of the participants reported that the extent of the violation was large. Although there was an option “not violated”, none of the respondents chose the option, indicating that the campaigns were largely characterised by violating the law of defamation by the political actors. The researchers also determined if the violation was different based on the presidential and governorship elections, the result is presented in Table 1.

Table 1: T-test analysis on the difference in the violation between presidential and governorship campaigns.

	Mean	SD	Df	p-value	Decision
Presidential	15.7	.56			
Governorship	10.1	.78	12	.003	Sig

Note: Minimum mean=4.0 maximum mean 20.0

The researchers in Table 1 determine the mean difference in the violation of the defamation law during the presidential and governorship campaigns in the 2023 general elections in Nigeria. The result of the study showed that there was a significant mean difference in the violation between presidential and governorship campaigns. The result showed that more of the violations occurred in the presidential election than in the governorship election. Therefore, the first hypothesis was supported, and the researchers concluded that the violation was based on the election that was involved in the campaigns.

Table 2: T-test analysis on the difference in the violation between National Assembly and State Assembly campaigns.

	Mean	SD	Df	p-value	Decision
National Assembly	12.7	.98			
State Assembly	8.1	.34	12	.002	Sig

Note: Minimum mean=4.0 maximum mean 20.0

The researchers plotted Table 2 to determine the difference in the participants' mean scores on the violation of the law of defamation in social media campaigns during the 2023 general elections in Nigeria. The result of the study revealed a significant mean difference in the violation between National Assembly and State Assembly election campaigns. In particular, it was found that there were more violations in the National Assembly election than in the State Assembly. Therefore, the second hypothesis was also supported. The researchers then plotted Table 3 to determine the views of the participants on how to promote compliance with the law of defamation during electioneering campaigns in Nigeria.

Table 3: How to promote compliance with the law of defamation on social media during campaigns

S/N	Items	Mean	SD	Decision
1	Improved awareness of the law by relevant government agencies.	3.0	.67	Accepted
2	Organising workshops for political candidates on the law during elections.	3.1	.89	Accepted
3	Publishment of offenders to serve as a deterrent to others.	3.3	.45	Accepted
4	Providing helplines for people who suffer defamation on social contact.	3.0	.89	Accepted
5	Collaborating with social media companies in Nigeria to delete defamatory content.	3.3	.43	Accepted

In Table 3, the researchers determined how to promote compliance with the law of defamation during electioneering campaigns. The result of the study revealed that the participants accepted all the items as ways of ensuring that people comply with the law of defamation when campaigning on social media. This is because all the items had mean scores of 2.5 and above, which was the baseline for accepting or rejecting items.

Discussion of findings

The goal of this study was to determine whether the law of defamation was violated in social media campaigns during the 2023 general elections in Nigeria. The researchers pursued this objective with a sample of 321 active social media users with backgrounds in law. The researchers collected data using a structured questionnaire, and the results were analysed using descriptive and inferential statistics.

The researchers found that as high as 52% of the participants reported that the law of defamation was violated to a large extent on social media during the 2023 general elections in Nigeria. This implies that most of the politicians and their supporters were not mindful of the law of defamation during the election. Instead, they focused more attention on trying to score political points ahead of their opponents. This result extended the study of Harris and Harrigan (2015), who examined the use of social media for political campaigns but paid less attention to the violation of the law of defamation. The current study has equally extended the study of Petrova et al. (2021) whose study on the utilisation of social media to galvanise political support was not extended to include the violation of the law of defamation.

The researchers also found that the violation was more for presidential campaigns than for governorship campaigns. The reason may be because, in the presidential election, the entire nation is to vote, while in the governorship election, only people in the state involved cast their votes. Also, it could suggest that the presidential election generates more tension than the governorship election. This study has extended that of Alam and Islam (2016), who examined defamation on social media but did not link it to social media campaigns during elections. However, in the current study, the researchers have shown that the presidential elections generate more tension and result in the violation of the law of defamation than the governorship elections. For example, during the 2023 general elections in Nigeria, the tension was high, and religious and ethnic colourations came into play. The Igbos, the only Zone in Southern Nigeria yet to occupy the presidency, felt it was their turn. The North East, the only zone in Northern Nigeria yet to produce the president of the country, also felt that they should be given the opportunity. However, the current president, with a huge political followership, also felt it was his turn. The tension was high, and this partly explains why the law of defamation was highly violated.

The researchers found that the law of defamation was violated more in the National Assembly than in the State Assembly election. However, the number of violations was lower compared to the presidential election. This result could be as a result of the National Assembly election involving more local government, and sometimes, the issue of zoning among the local government areas could generate tension and spill over to the Internet. The result of this study has extended the study of Berti and Loner (2023), who examined defamation on social media but did not examine the violation of the law of defamation in federal and state legislative elections.

This study has also highlighted ways of promoting compliance with the law of defamation during electioneering campaigns. They include improved awareness of the law by relevant government agencies, organising workshops for political candidates on the law during elections, punishment of offenders to serve as a deterrent to others, providing helplines for people who suffer defamation on social contact and collaborating with social media companies in Nigeria to delete defamatory content. This study has extended previous studies (Mills, 2015; Marouf et al., 2019)

related to the violation of the law of defamation on social by showing how to address the growing violation of the law of defamation in social media political campaigns. Although the argument on the use of social media for political campaigns has continued to point to its centrality in modern-day politicking, less attention has been paid to how to ensure that there is reduced violation of the law of defamation.

Conclusion and recommendation

The conclusion of this study is that during the 2023 general elections in Nigeria, the law of defamation was heavily violated on social media. People, in a bid to canvas for votes for their political parties and their candidates, defame the character of their opponents. The researchers also concluded that the violation was more for the presidential election than the governorship and more for the National Assembly than the State Assembly. Overall, the presidential election reported higher instances of the violation of the law of defamation than all the other electioneering campaigns. This study has contributed to technological determinism theory by showing that the emergence of social media has led to new strategies of politicking, and this has also resulted in the violation of the law of defamation in the process. This study has also contributed to the literature by providing fresh empirical evidence related to the role of social media in politics and the resultant effect of that role. The study has also contributed empirical evidence that could guide policy formulation related to compliance with legal provisions in general and the law of defamation in particular. This study is not free from some limitations. First, the study did not consider the contributing role of social media use and the responses of the participants. Also, the study did not examine the possible political bias of the participants and how this could impact their responses. It is recommended that future studies should be conducted to fill the identified gaps.

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