



ABSTRACT

Many people have been given the ability to voice their thoughts through social media platforms, however many of these people are unaware of the laws or ethics that govern how they convey their so-called viewpoint, or the consequences of sharing material without legitimate facts. This has resulted in a situation in which information on social media platforms cannot be trusted or assumed to be accurate the majority of the time. In this vein, the goal of this study is to determine how the law of defamation can be effectively applied on social media platforms to curb the attitudes of people who disseminate

IMPLICATIONS OF APPLICATION OF THE LAW OF DEFAMATION IN SOCIAL MEDIA INFORMATION DISSEMINATION

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Introduction

In the year 2020. About 3.6 billion people are on social media globally, up 12.3% over the previous year, according to research.

The average individual used social media for two hours and 24 minutes per day in 2020, a 38% increase from the previous five years. The world's population is projected to total 4.41 billion people by 2025. (Tankovska, 2021)

It seems sense that trying to damage someone's or a company's reputation on social media may have very serious and far-reaching repercussions given how crucial social media is to how we communicate with one another in the modern era. (Tankovska, 2021) Most people use social media to stay in touch with loved ones, meet new people, and interact with public figures like politicians, entertainers, and athletes to find romantic connections. The majority of businesses utilize social media to broaden their brand awareness and engage with prospective customers. Others are utilizing the websites to harass and defame others in the meanwhile. (Tankovska, 2021)

These people are able to transmit defamatory material while keeping anonymous thanks to the capacity to create anonymous profiles. Many social media users feel unafraid to post whatever they want as a result of this idea.

It has been observed that the nature of information communicated through social media is highly interactive and easily accessible, which can be shared widely, and that such information is mostly believed to have come from people who are interested in becoming journalists but have not been trained, and that such information is mostly believed to have come from people who are interested in becoming journalists but have not been trained. When compared to traditional



information without understanding the implications and consequences of their actions. The research also looked into possible defamation defenses. The study was based on the framework of two theories: information manipulation theory and ethics theory, and it used a mixed-method technique to collect the requisite data, which was descriptive and content analysis in nature. The descriptive component of the study was conducted using the survey technique of research, and the content analysis employed data on social media, defamation legislation, and diffusion of information. Courts of law can now adapt to the new realities of social media and defamation once the cases have been proven, and people who make defamatory statements about others can now be prosecuted for their comments, which may affect not only the authors of such posts, but also those who disseminate defamatory claims or information.

Keywords: Information, Social media platforms, defamation, audience, comments, shared information

media, which has mechanisms known as gatekeepers that ensure that information is evaluated and published in a manner that is free of unethical and unprofessional materials in journalism, would only be accepted at face value. Traditional media content is also required to be bolstered with facts and relevant data.

Defamation lawsuit on the internet, particularly on social media, is a high-risk arena. Sometimes, the information found on blogs, forums, online newspaper comment sections, and some well-known social networking sites like Facebook and Twitter can be inaccurate and harsh. This is because anonymity empowers certain people to express themselves without the limitations that exist on other platforms. Duncan and Neil (Duncan and Neil, 2009)

The internet and social media have become a particularly fertile habitat for potentially libelous utterances in recent years. This is because many individuals have discovered that the platforms allow people to speak their opinions almost too freely, and there are many intriguing sites or platforms where someone may submit a defamatory comment, either intentionally or accidentally. Duncan and Neil (Duncan and Neil, 2009)

The solution is for users of social media to treat anything they say on the internet or on any of the social media platforms as if they were publishing it on the front page of a widely circulated newspaper or broadcasting it on the news.

Although some websites and social media platforms screen comments for offensive or illegal content, the screening algorithms aren't made to examine every comment for defamatory material, which is why so many defamatory statements end up online.

Content that disparages a person or business and is uploaded on a social media platform is referred to as "social media defamation." This type of defamation is referred to as libel, internet defamation, disparagement, character assassination, cyberbullying, and other types of cyber harassment (Duncan and Neil, 2009)

Defamation laws are designed to protect people's reputations from being hurt or marred by false remarks made about them. It aims to prevent unjustified speech in order to protect a person's reputation. (Oikawa, 2021)



Defamation law can be divided into two categories: libel, which relates to a written declaration, and slander, which refers to a verbal or spoken remark. Defamation is defined as false remarks made by an individual that injure another's reputation. Until the statements are communicated or made available to a third party who is not the person being defamed, they are not considered defamatory. The comment may be made about a person, a business, an organization, a group, a nation, or a product, and it may damage the reputation of that person or business. (Oikawa,2021) Cyber-libel is a phrase that refers to when someone on the internet makes an incorrect and detrimental comment about another person, such as on discussion forums, message boards, blogs, chat rooms, individual websites, social media, social networking sites, or other already released materials (Oikawa, 2021)

It is enough to say that online defamation differs from other types considering its potential to damage people's and businesses' reputations, especially given its participatory character, the possibility that it would be taken at face value, and its complete and immediate global ubiquity and accessibility. As a result, in internet defamation cases, the form and extent of dissemination is a very important factor to examine when determining damages.

Facebook, Twitter, Instagram, Tik Tok, YouTube, LinkedIn, Pinterest, and Snapchat are among the most popular social media platforms where defamation can occur.

STATEMENT OF PROBLEM

Many people have been given the ability to voice their thoughts through social media platforms, however many of these people are unaware of the laws or ethics that govern how they convey their so-called viewpoint, or the consequences of sharing material without legitimate facts. This has resulted in a situation in which information on social media platforms cannot be trusted or assumed to be accurate the majority of the time.

The vacuum produced by defamation's ineffectiveness is immense, to the point where there has been no means to regulate material on social media platforms until recently, despite the fact that the Nigerian federal government has found ways to establish some regulatory measures lack social media. One of these methods is the implementation of hate speech legislation to prevent people from spreading disparaging material about the country and its officials on the internet.

As a result of the above scenarios presented by social media platforms, this research project aims to investigate how professionalism can be instilled in people who post on social media in order to reduce the level and rate of defamation, as well as how the law of defamation can be effective on social media.

OBJECTIVES OF THE STUDY

- To study the possible defences to the law of defamation on social media.
- To investigate the peculiarities of social media that make the application of defamation law challenging.
- Conduct a comparative examination of defamation law in social media against traditional media.
- To investigate how the law of defamation can be used to effectively combat defamatory behaviour on social media.



RESEARCH QUESTIONS

1. What are the possible defences to defamation on social media?
2. What are the peculiarities of social media that make the implementation of defamation law challenging?
3. What are the comparisons of defamation law in social media with traditional media?
4. How can the law of defamation be used to effectively combat defamatory behaviour on social media?

THEORETICAL REVIEW

The Information Manipulation Theory contends that deceptive messages function by discreetly flouting the rules that govern interpersonal interactions. Speakers can exploit some or all of the assumptions that conversational interactants make about the quantity, quality, technique, and relevance of information that should be conveyed to trick listeners by changing the information that they are given. By examining a variety of message samples, it is shown that Information Manipulation Theory helps to resolve earlier differences on the characteristics of deceptive messages.

As a result, one approach to think about deceptive messaging is in terms of how sensitive information is managed and controlled.

Ethics Theories

What is good? is a question that has long been the focus of ethics theories. Morality, values, and customs are consequently strongly related to them. The words moral and ethics really have a cross-reference in the majority of English dictionaries, and the Latin translation of the Greek word ethics, which denotes moral character or tradition, is where the word moral originates. All cultures have over time developed their own doctrines or philosophies of the good, many of which are categorised in the West along four main, though overlapping, lines: virtue ethics, which locates the good in virtue, deontological ethics, which locates the good in adherence to duties or principles, teleological ethics, which locates the good in the results of actions, and dialogic ethics, which locates the good in dialog. These prior ethical frameworks have been called into question by postmodern ethics, which mostly developed in the West over the 20th century, by challenging the validity of norms, procedures, frameworks, and fixed categories for comprehending or theorizing ethics. Truth, deception, and misrepresentation; propaganda, persuasion, and argumentation; hate speech, harassment, and freedom of speech; secrecy, disclosure, and access; group decision-making and institutional and corporate responsibility; ideology, hegemony, and justice; conflict, diplomacy, and judgment; to name a few. These are just a few of the ethical problems that communication ethics scholars address.

Aristotle is most frequently associated with virtue ethics, which emphasizes the selection, cultivation, and application of "virtuous" attributes like courage. People should behave with moderation, honesty, and justice in both their personal and public lives. In his foundational *Nicomachean Ethics*, Aristotle describes virtue as an expression of character in which we become temperate by engaging in temperate deeds. Therefore, ethics is not a doctrine, principle, or goal in the Aristotelian sense, but rather a human activity. Most religious systems draw their qualities in



large part from very ancient traditions and cultures. For instance, the so-called cardinal virtues of 12th-century Roman Christianity, which were derived from Plato and Aristotle's earlier Greek philosophies, emphasize courage, prudence, temperance, and justice.

Immanuel Kant, a Prussian philosopher, created a system of moral reasoning based on duties and obligations rather than qualities, results, or feelings in the 18th century. Deontological ethics (derived from the Greek word for duty) is most frequently associated with Kant. In his book *Foundations for a Metaphysics of Morals*, Kant asserts that the categorical imperative is a general rule that underpins all of ethics. The categorical imperative, commonly mistaken for the Golden Rule (i.e., treat others as you would have them treat you), states that one should always act in accordance with the values that they would like everyone else to act in accordance with.

Therefore, Kant's so-called universal law is categorical because it has no exceptions under any circumstances, and it is imperative because it is a requirement that everyone follow. For instance, Kant contends that lying is morally unacceptable regardless of whether doing so would appear to advance a greater good, such as saving a life. The second formulation of the categorical imperative, which Kant suggests in the same work, is that we should never see individuals as means to our purposes but always as ends in and of themselves.

Teleological Ethics: Often regarded as the polar opposite of deontological ethics, teleological ethical theories (sometimes referred to as consequentiality) focus moral judgments on the results and ramifications of actions rather than on norms, duties, or virtues. Two of the most common ethical philosophies are utilitarianism and ethical egoism.

According to utilitarianism, which has ties to the 18th-century British philosophies of Jeremy Bentham and John Stuart Mill, we have an ethical duty to act in the interests of the largest number of people. According to Mill, a good action is one that produces the most enjoyment for the greatest number of individuals.

The ethical egoism school of teleological ethics, often known as rational self-interest theory, contends that all ethical actions, even those that appear altruistic, are ultimately motivated by one's own self-interest. Some current 354 Ethics Theories argue for ethical egoism from an evolutionary standpoint, emphasizing the genetic and biological benefits to oneself. Ethics Theories theorists argue for ethical egoism from a psychology perspective, emphasizing the emotional and social rewards of ethical activities to oneself. Others defend ethical egoism by making the reasonable case that when each person gains for themselves, they also gain for society.

Dialogic Ethics: Dialogic ethics locates the ethical in the intersubjective domain of interpersonal communication as opposed to theorizing an ethics based on an individual's character, duty, consequence, or interest. Dialogic ethics, which is most closely related to the works of two Jewish European philosophers from the 20th century, Martin Buber and Emmanuel Levinas, asserts that ethics is the first philosophy and that human experience is founded on the ethical relationship with the other rather than the self's ontology.

Since the self should never mistake its own view of the other for the other themselves, dialogic ethics requires a healthy respect for the irreducible alterity, or otherness, of those with whom one has discourse. Researchers in the field of communication studies, including Rob Anderson, Ronald Arnett, Kenneth Cissna, Michael Hyde, and others, have produced a significant body of work on dialogic ethics. According to Jeffrey Murray, the most difficult issues in communication ethics are



not related to the words themselves but rather the ethical context in which communication shapes people, societies, publics, and relationships.

Communication Ethics: Communication ethicists consider moral questions in interpersonal, intercultural, mediated, institutional, organizational, rhetorical, political, and public communication contexts. They do this by applying the aforementioned concepts.

METHODOLOGY

The nature of research method used is descriptive and content analysis. The survey method of research was used for the descriptive component of the study, while the content analysis was done by going over information on social media, the law of defamation, and information dissemination. The study used a survey design by applying carefully compiled questions on a small group of people recruited from active social media users for the purposes of this study. The samples were selected through the use of purposive sampling and two groups comprising of ten people each were used for this study.

In order to collect the necessary data, the study used a mixed-method approach that combines qualitative and quantitative methodologies. Despite being scientifically rigorous, the mixed method approach was used because it allows the researcher to rely on the strengths of both qualitative methods (Neuman, 2014).

This method of data collection and reporting is also used since it is intended to lessen the constraints that come with either of the two methods.

FINDINGS

In principle, liability for defamatory content posted on social media is not limited to the author, who may or may not be recognized in many cases; nevertheless, in particular circumstances, culpability may be extended to an internet service provider (ISP), the website operator, or an employer.

While it may be tempting to sue the host or internet service provider (ISP) who made the defamatory statement, the ISPs may have more money to sway decision makers than the person who claims to have been defamed. Again, the Communications Decency Act exempts website hosts and Internet service providers from most defamation actions.

The bottom line is that a blogger or anyone who wants to post or comment on social media should double-check that all facts about the subject matter are correct or gathered before posting or submitting comments, because once the send button is pressed, the message has gone viral, and there is no easy or quick way to retrieve it before anyone sees or receives it.

Defamation cases may be difficult to prove based on: Truth or justification; where the writer of the said defamatory statement is said to be true and can be backed up with facts; absolute privilege; where people's rights are protected and they are free to say whatever they want 'unedited' as can be found in parliaments or courts, as evidence during a trial, during an investigation, or as a complaint to a quasi-judicial body or professional association;

Other justifications include fair comment and responsible communication on matters of public interest, particularly when journalists report statements and allegations during information



distribution in the national interest. Another example is when statements are not made maliciously and are based on verifiable facts.

It is indeed worth noting that online communication is fast, frictionless, interactive, frank, borderless, and far-reaching. It's also impersonal, and the anonymity of the contacts raises the possibility that the defamatory words will be believed.

However, it has been determined that the majority of defamatory postings on Facebook, for example, are untrue and unjustifiable postings about individuals, and that the deletion of such posts did not affect copies that had been copied before the deletion. This is because, even if the post's creator deleted such messages or posts, individuals who shared the posts still have them because the originator's removal has no effect on them.

Another factor is the number of people who have seen the messages or posts. This is because when a post or message goes viral, even if the messages or posts are later deleted, those who saw the message or post remember it, and it would be difficult to determine the number of people who saw the message without commenting or reacting.

Given the potential size of the viewing audience for any social media post, as well as the internet's massive worldwide audience, a statement made on social media could instantly reach millions, if not billions, of people, potentially having catastrophic consequences for individuals, corporate organizations, and businesses, personal well-being and financial capabilities may be affected, with an individual losing contracts and commercial deals worth millions of Naira/Pounds/Dollars as a result of defamatory utterances.

The potential for reputations to be wrecked in an instant through the usage of internet-based social media platforms is great, and one approach to avoid this is to impose harsh penalties on the offender(s) if defamatory words have been shown to have been made. Another way is to ask that such defamatory materials be removed from social media platforms right away.

Once the instances have been demonstrated, courts can now adjust to the new realities of social media and defamation. People who make defamatory comments about others can now be held accountable for their comments, and this may affect not only the originators of such posts, but also those who share the defamatory statements or materials, because no post or shared post can be held anonymous during the process of proving that defamation has occurred.

The most important component in avoiding defamation litigation is for people, particularly active social media users, to be educated and informed about how to use social media and how to communicate and spread information on these viral platforms. It is also obvious that social media users should take precautions to avoid being held liable for statements made, commented on, and shared on the many social media platforms available. This is because, in this fast-paced world where technology has advanced greater communication capabilities, the old-school legal principles of defamation have stayed true while being fundamentally more convoluted and amplified in the social media age.

CONCLUSION AND RECOMMENDATION

To curb people's social media excesses, the law must be strictly enforced with harsh penalties like heavy fines and removal or banishment from social media platforms.

For social media users, there should be knowledge and education about media legislation. Users of social media should be aware of how to use various platforms to communicate and gather information in non-harmful ways.



Users of social media should discover ways to limit access by giving limited permissions to others who can put them in groups they don't know about or link/tag them with topics that could cause them problems.

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