

Freedom of Expression and Information Amidst Strict Social Media Regulation in Nigeria: An Appraisal of the Twitter Ban

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Abstract

There have been constant efforts by the successive government in Nigerian to regulate and control the social media. More worries have been voiced about how social media harbours misinformation, cyberbullying and fake news which are largely believed by credulous members of the public. As a result, there have been a lot of contentions surrounding attempts to stifle or enact policies to control social media. The focus of this study, however, is to examine how social media regulations reflect on freedom of expression and information in Nigeria, using the experience of Twitter (now X) ban as a practical lesson to draw from. Some of the research objectives were developed to establish how the twitter ban relates to freedom of expression and information; to determine the various impact of the Twitter ban on freedom of expression and information; to evaluate the public perception of Twitter ban on the freedom of expression and information. A sample size of 385 was drawn with the use of survey design using online google form to gather responses from knowledgeable practitioners who were purposively selected from various media organizations in Nigeria. The findings revealed that 100% Twitter is as a platform for freedom of expression and information and the ban was a direct threat to freedom of information. It was agreed that stiff regulation on any social media platform, constitute a direct restraint to fundamental rights of expression and information. The respondents also indicated that the ban was a systemic infringement on human right. The study recommend that Nigeria should serve as a role model for liberal democracy and the rule of law that protects human right.

Keywords:Media Twitter, Twitter Ban, Freedom of Information, Freedom of Expression

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Introduction

Nigeria as the most populous country in Africa has experienced significant growth in various areas, including advancement in information communication technology, particularly the internet and social media (digital media). The usage of social media platforms like Twitter (now X), Facebook, Instagram, Tiktok and WhatsApp have become essential tools for communication, news dissemination, market engagement and social interaction.

The development of digital media has not only enhanced the efficiency in the dissemination of information in Nigeria, but it has also given every Nigerian the unfettered opportunity to hold opinions (Nwachukwu, 2012). Curtailing the operations of the media, whether print, broadcast or online is violating the expressive rights of the media personnel and the rights of citizens to receive information and ideas freely.

Freedom of expression is one of the fundamental rights universally recognised and protected. The Nigerian Freedom of Information (FOI) Act 2011 gives any person the right to ask any public institution for any record, data or information that is held in the institution's custody. In this instance, the law, under this provision, empowers individual to seek, share and exchange vital information that they consider useful to them and the society.

On June 4, 2021, the federal government issued a press release suspending Twitter operations in Nigeria. This happened after Twitter had removed the President's tweet threatening violence against separatist militia groups in Southern Nigeria. The Press Statement cited "the persistent use of the platform for activities that are capable of undermining Nigeria's corporate existence," as the basis for the suspension.

Nigeria is obligated to uphold international norms and standards regarding freedom of expression and access to information. These include the International Covenant on Civil and Political Rights (ICCPR) and the African Charter on Human and Peoples' Rights. Hence, the announcement is unclear under which law the suspension was ordered; nonetheless, the Attorney General/ Minister of Justice has threatened to prosecute offenders who contravene the directive (ICNL, 2021).

Twitter users in Nigeria have expressed outrage at the blocking of one of the main outlets that they have to criticize their government and try to hold it to account. Many circumvented the suspension by using virtual private networks (VPN) to access the service, raising questions of how effective the ban will be. Civil liberty organisations including Amnesty International (AI) and media organisations in Nigeria have expressed outrage

as the government prepares to follow its controversial ban on Twitter with wider regulations reining in the press and social media companies (Onireti, 2021). Several legal challenges were mounted against the Twitter ban in Nigeria. These challenges argued that the ban was unconstitutional and violated human rights.

Thus, the Twitter ban and its antecedent implications on the freedom of expression and information bear huge mark on the operation and implementation of the freedom of information act, as passed in 2015. As at September 2021, the situation surrounding the Twitter ban in Nigeria was ongoing and evolving but in January 12 2022, it was announced that the ban has been lifted. Even though there seem to be a temporary calm, it is likely that the government of the day, under President Bola Ahmed Tinubu and other subsequent government may consider revisiting social media regulation, which in effect may lead to the outright ban or control of social media in Nigeria (Agbluaje, 2023; Arise News, 2024; News Agency of Nigeria, 2024). This study then seeks to examine the implication of Twitter ban on the freedom and right to information in the light of the provisions stipulated in the FOI act.

Statement of the problem

Freedom of information and right to free speech and expression is directly linked to progressive democracy and clear indication of a progressive society. This provision is directly backed by the constitution and it protects individuals from unwanted, unsolicited interference and restrictions which limit their freedom, these rights are fundamental and absolute (Slutskiy, 2020).

Social media have evolved from leisure-oriented venues into platforms for social interaction, information, and civic debate (Guallar et al., 2015). In such spaces citizens are exposed to information on political issues and public affairs even if they are not actively seeking for such information (Fletcher and Nielsen, 2017). Because of several dangers perceived to be inherent with the use of social media as means of social-political expressions and public communication, many countries have adopted some drastic measures to control and stifle the use of social media as means of public communication. Korff, (2012), confirmed that some countries are now adopting subtle means to regulate and control social media. A report by the Civil Society Legislative Advocacy Centre (2021) questioned the ban and unlawful restriction of Twitter and social media by the Nigerian government as blatant infringement of human rights and gross violation of the provisions of the freedom of information acts. Korff (2021) concluded that, the Twitter ban by the Nigerian government shows the height of disregard for human right and rights of citizens. In view of all these, this study therefore seeks to examine public perception of the Twitter ban on the freedom of expression and information in Nigeria.

This study seeks to address the following critical problems; restriction of freedom of expression; implications on information flow, public response, advocacy, economic and social consequences.

Research Questions

- 1) How does the Twitter ban relate to freedom of expression and information?
- 2) What are the various implications of Twitter ban on the freedom of expression and information flow?
- 3) What is the public perception of Twitter ban on the freedom of expression and information?

Literature Review

Freedom of Information and Expression in the Light of the Extant Legal Provisions

One of the finest technologies for facilitating information exchange, information sharing, and teamwork is the social media. It was recognised that millions of Nigerians, particularly young ones, relied on these digital platforms to participate in conversation, exchange information, and receive information (Anyim, 2021). The right to free expression and access to information is protected by the constitution of Nigeria and international human rights law, as outlined in the Declaration of Principles on Freedom of Expression in Africa, and both documents stipulate that any restrictions on these rights must be solidly justified in a democratic society (Ewang, 2021).

Nigeria is a party to the International Covenant on Civil and Political Rights (ICCPR), which states in Article 19 that each member state must protect the freedom of expression, which includes the right to hold opinions without retaliation and the freedom to seek, receive, share information and ideas of all kinds through any medium without regard to national boundaries (ICNL, 2021). The suspension of Twitter (now X), according to the former Benue State Governor Samuel Orton, that the prohibition or the ban of Twitter was unlawful, that it violates Nigerians' fundamental rights, and that it puts a stop to social media (Orji and Ejemba, 2021).

One of the essential rights that is widely recognised and safeguarded is the freedom of expression. Due to the significance of this right in advancing both democracy and individual liberties, it is specifically protected in the constitutions of the majority of nations, including Nigeria. The African Charter on Human and Peoples' Rights and other regional instruments and human rights conventions, notably, the Universal Declaration of Human Rights, all guarantee the freedom of expression. The State or its agencies, as well as people, are subject

to obligations and duties to uphold and advance basic freedoms and human rights (Udofa, 2011).

Freedom of information flourishes in environments where democratic values and respect for human rights are firmly rooted, established by law, and upheld. Instead of worshiping individual leaders as it is now happening in the politics, Nigeria as a nation must work to create strong institutions. In the face of abuses of power by individuals in positions of authority, strong institutions would defend the rights of the people (Obiaje, 2021).

The Nigerian Constitution as well as the African Charter of 1979 and Universal Declaration on Human Right, 1948 made provision for freedom of expression and press. Particularly in section 39 of the Constitution of the Federal Republic of Nigeria, 1999 (as amended) provides that, “every person shall be entitled to freedom of expression, including freedom to hold opinions and to receive and impart ideas and information without interference”. It further states in subsection (1) of this section, that every person shall be entitled to own, establish and operate any medium for the dissemination of information ideas and opinions.

The Nigerian Constitution did not only provide for the right of its citizens to freedom of expression, but it also made it a point of duty for the mass media to provide information to the public. As a corollary to this, Section one, Sub-section one (1) of the Act guarantees individual’s the right to access public information. It states in part: “Notwithstanding anything contained in any other Act, law or regulation, the right of any person to access or request information, whether or not contained in any written form (FOI Act, 2015).

To this end, the Freedom of Information Act as passed in 2015, empowers individuals to seek and access any kind of information within the provisions of this act. That is if social media has now provided means to amplify such rights as entrenched in the FOI acts, then such information sharing, and online engagements are to be seen as the inalienable rights of the citizens as backed by the law.

Digital Communication, Social Media and the Implications of Twitter Ban of the Freedoms of Information and Expressions

The global pattern of human communication has been changed by the advent of digital communications in the form of social media platforms. Digitized communication media has become an effective and indispensable model through which important information and ideas can be conveyed. In a short period of time, information can be spread across and beyond national borders and territories. Social media has many benefits. It is well known that it also has many social disadvantages or undesirable effects on society (Olomojobi, 2022).

The main indicator of digital communication technologies is the open and quick flow of information, which has benefited liberty and improved the realization of man's expression of freedom to freedom of speech and expression. These technological advancements have had an impact on international trade, culture, religion, and, most importantly, politics (Ashiekpe, and Mojaye, 2013). Social media culture cannot be separated from civic political life and can legitimise or delegitimise politics. The essence of politics is the interaction between and among political actors in the political environment for making decisions and policies that benefits the people. Communication is at the heart of the conduct of diplomacy and can be through formal or informal means, states through other representatives as well as other actors who articulate, co-ordinate and secure particular or wider interests using Twitter (Inioluwa and Temitope, 2022).

Twitter (now X) is a popular free social networking platform that enables users to publish succinct remarks on their experiences and thoughts in real-time news feeds (Mistry, 2011). It is one of the top ten most visited sites by Nigerians (Infopedia, 2019). One of the finest technological advancements for facilitating information exchange, information sharing, and teamwork is social media platforms like Twitter (X). It was recognised that millions of Nigerians, particularly young ones, relied on social media to participate in conversation, exchange information, and receive information (Anyim, 2020).

The right to free expression and access to information is protected by the constitution of Nigeria and international human rights laws, as outlined in the Declaration of Principles on Freedom of Expression in Africa, and both stipulate that any restrictions on these rights must be justified in a democratic society (Ewang, 2021). Due to the significance of this right in advancing both democracy and individual liberties, it is specifically protected in the constitutions of the majority of nations, including Nigeria. The African Charter on Human and Peoples' Rights and other regional instruments and human rights conventions, notably guarantee the freedom of expression. The State or its agencies, as well as people, are subject to obligations and duties to uphold and advance basic freedoms and human rights (Udofa, 2011).

Section 39 of the Constitution of the Federal Republic of Nigeria, 1999 (as amended) provides that, “every person shall be entitled to freedom of expression, including freedom to hold opinions and to receive and impart ideas and information without interference”. It further states in subsection (1) of this section, that every person shall be entitled to own, establish and operate any medium for the dissemination of information ideas and opinions. The Nigerian Constitution did not only provide for the right of its citizens to freedom of expression, but it also made it a point of duty for the mass media to provide information to the public.

In line with these, the work of Vareba, et, al, (2017) ascertained that Nigeria’s online censorship of

information exchange pose danger to both internet freedoms and the freedom of expression in general. The work of Adegboruwa (2018), established that it is illogical to control and supervise any media platform trying to hold government accountable in a democracy. In line with all these submission, Santa (2021) concluded that social media regulation in a democratic society will stifle the media from performing their traditional functions

As a corollary to this, Section one, Sub-section one (1) of the FOI Act guarantees individual's the right to access public information. It states in part: "Notwithstanding anything contained in any other Act, law or regulation, the right of any person to access or request information, whether or not contained in any written form (FOI Act, 2015). To this end, the Freedom of Information Act as passed in 2015, empowers individuals to seek and access any kind of information within the provisions of this act. That is if social media has now provided means to amplify such rights as entrenched in the FOI acts, then such information sharing, and online engagements are to be seen as the inalienable rights of the citizens as backed by the law.

According to Awe (2021), many global leaders utilise social media to interact with their constituents and the rest of the globe because of its increased reach and power. Social media platforms are powerful, as seen by the widespread response to postings and tweets. They do, however, own their personal platforms. Awe emphasized that these platforms decide on their own whether a user violates the rules and what steps to take when that happens. Twitter has been utilised in Nigeria as a platform for many types of diplomacy.

Nigerians most frequently use Twitter to express their thoughts and exercise their constitutional rights on social or political concerns (Chakrabarti, 2018). In the study of Santas (2021), the work reveals social media regulation law has a negative effect on the ability of the media to fulfil their traditional duty of serving the public's information and communication demands in the twenty-first century as well as their monitoring role. Such regulatory efforts may be considered as a violation of democratic principles. It has been noted that social media platforms offer additional ways or channels for the media to contact individuals in contemporary society.

In relation to the study above, Mohammed (2021) concluded that, there is increasing lack of trust between the people and government, as many respondents fear for the possibility of officials in charge to create vague criminal offenses that would allow the authorities to prosecute peaceful criticisms of government, if social media were to be regulated. The study further proves that the Twitter ban by the Federal Government of Nigeria, was unnecessary, a misperception views majority of Nigerians that heated the Nigerian society and stifled the continuous breath of peace, democracy, stability, accountability, socialization, and participation of citizens in governance.

This is why the works of Santas and Inobemhe (2021) affirmed that, regulating social media directly implies the suppression of free expression, and such actions may prevent the promotion of democratic values, of which free speech is the most important. In the agreement with this, Umejiaku and Ezeama research disclosed that social media ban is a demonstration and problematic that seeks to suppress the fundamental rights of citizens (Umejiaku and Ezeama, 2021).

Theoretical Framework:

Democratic Participant Theory

The democratic-participant theory is mostly credited to Dennis McQuail (1987). The theory is believed to conserve and revive local cultures by promoting the right to information (global and local), right to express (feedback), right to use new technologies (means of communication), freedom to local data, freedom to take part in social action, etc. The democratic participant theory is, in a way, the technological version of the libertarian theory. People can and must express their views freely, exchange ideas without fear, and with absolute freedom, making use of innovations in technology (Vilanilam, 2019). In relation to this work, the tenets of this theory recognize Twitter as a way the public have unhindered access to information and a viable means to express themselves.

Social Responsibility Theory

The Hutchins Commission on the Freedom of the Press brought the notion of Social Responsibility to light in the United States in 1949. Siebert, Peterson, and Schramm published Four Theories of the Press in 1956, which formalized the notion. It advocates for complete journalistic freedom without restriction. According to social responsibility philosophy, the media is for the people and society. The media is viewed as a platform for the voiceless to have a voice, and it is viewed as a tool for social progress rather than an aim in itself. As a result, the goals of media are to inform, chronicle, analyse, interpret, mediate, and mobilise people via the creation and discovery of solutions. The media should construct and follow a code of conduct that they produce, as well as design and implement acknowledged norms in practice for the development of society.

It acknowledges that the media as a self-regulating institution is the fundamental to advancement of any society (Uzuegbunam and Chikezie, 2015). With this, the media is more concerned with promoting and advancing information by creating a society that values good behaviour. The media, as part of its social function of fostering social peace and societal growth, has the obligation to control itself and improve the lives of the

members of the society.

Therefore, Twitter as part of a larger media system is capable of operating within the broad spectrum of media responsibility which dictates that Twitter as an organization is capable of self-regulating and designing its own policy to reflect the principles highlighted in this theory, which will in effect discourage any form of highhanded regulation and control from the government.

Material and Methods

This work adopted the descriptive cross-sectional study, which utilized the Google doc for the online survey to reach respondents spread across three universities and established media professionals as well practitioners and individuals in related field of practice with considerable knowledgeable in media law, regulation and human rights in Lagos and Ogun State. Purposive and convenience sampling techniques were employed in this study because the selection of individuals that constituted the respondents of the study was based on those who were considered able to adequately assist the research by providing the necessary information needed for the execution of this research.

The sample size required this study was calculated based on the formula by Rose et al., (2015) required to estimate a proportion of an infinite population with an approximate 95% confidence level. The formular shows:

$$n_r = \frac{4pq}{d^2}$$

where n_r = required sample size,

p = proportion of the population having the characteristic,

q = 1-p, .

d = the degree of precision.

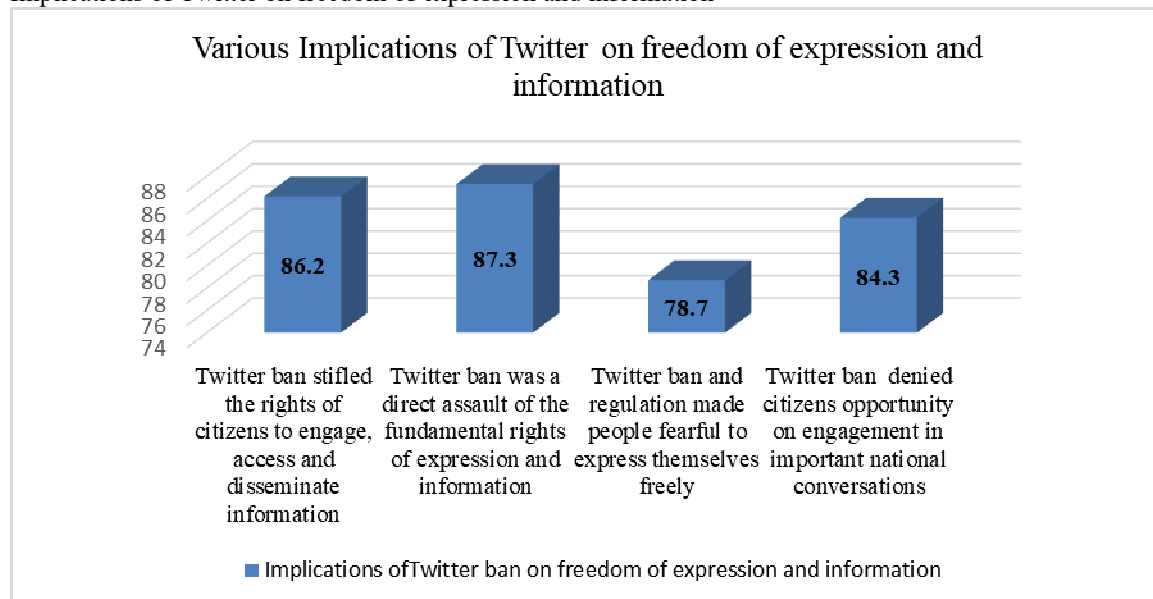
The proportion of the population (p), which is unknown, is 0.5, which assumes maximum heterogeneity (i.e. a 50/50 split). The degree of precision (d) is the margin of error that is acceptable.

Out of the 400-sample size estimated for this study, 376 questionnaire copies were adequately completed by the respondents, and were used in the analysis of the study.

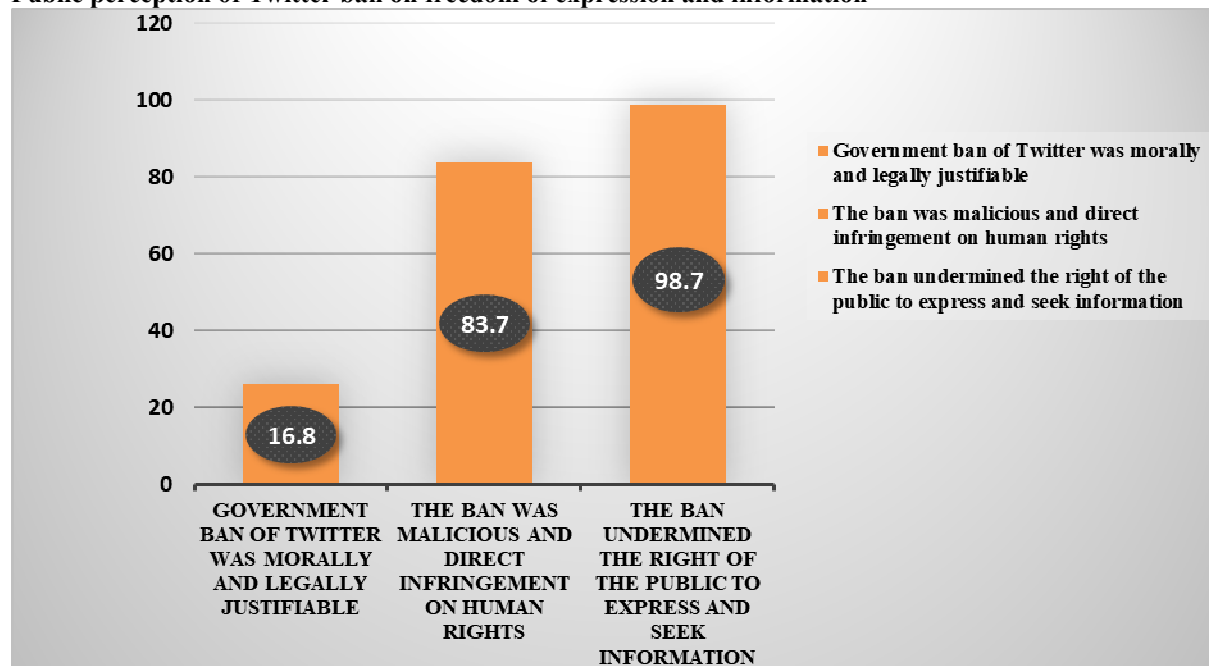
Results and Discussion

The study sought to affirm that Twitter ban relates to freedom of expression. The data shows that 94.7% of the respondents agreed with this. Also, to know the Ban affects the freedom of information, the survey results reveal 84.8% is in agreement that twitter ban affects freedom of information. To further determine the seriousness of the ban on Twitter, 77.4% indicated that Twitter ban amounts to repressing freedom of expression and information.

The second research question sought to identify the various implications of twitter ban on the freedom of expression and information. The chart in figure 1 below represents the views of respondents. At the same time, the chart in figure 2 measured the perception of the respondents on the Twitter ban. The results are as presented. Implications of Twitter on freedom of expression and information



Public perception of Twitter ban on freedom of expression and information



The results shows that all the respondents that is 98.7% of the total sample indicated that the ban on Twitter undermined the right of the public to express and seek information. This is then followed by the view of 325 or 86.4% of the respondents affirming that Twitter ban was malicious and direct infringement on human rights. However, only 63 or 16.8% said government ban of Twitter had moral and legal ground.

Discussion

The result revealed that out that respondent use Twitter as freedom of expression, information and confirmed that Twitter ban was a direct threat to freedom of information. The findings are in line with Anyim (2020) who relates with Twitter information sharing, exchange and receiving of information. In relation to this findings Ewang (2021) adds that the right to freedom of expression and information is protected by the Nigeria constitution and International human rights law.

The findings affirmed that majority of the respondent agreed that Twitter stifled the rights of citizens to engage, access and disseminate information. The finding also established that Twitter ban is a direct assault of the fundamental rights of expression and information. Respondents also agreed Twitter ban and regulation will make people fearful to express themselves freely and Twitter ban will deny citizens opportunity on engagement in important national conversation. In line with this findings, Orji and Ejemba (2021) affirm that the Twitter ban is unlawful, that it violates Nigerians fundamental rights, and that it puts a stop to social media. Also, Chakrabarti (2018) discovers that Twitter has been utilised in Nigeria as a platform for many types of diplomacy. Nigerians most frequently use Twitter to express their thoughts and exercise their constitutional rights on social or political concerns.

Moreso, majority of the respondents claimed that Twitter ban was malicious and direct infringement on human right. In line with the findings Vareba, et, al, (2017) ascertained that Nigeria online censorship pose danger to both internet freedoms and the freedom of expression in general. The work of Adegboruwa (2018), established that it is illogical to control and supervise any media platform trying to hold government accountable in a democracy. Also, Santas and Inobemhe (2021) affirmed that, regulating social media directly implies the suppression of free expression, and such actions may prevent the promotion of democratic values, of which free speech is the most important. In the agreement with this, Umejiaku and Ezeama's research disclosed that social media ban is a demonstration and problematic that seeks to suppress the fundamental rights of citizens (Umejiaku and Ezeama, 2021).

In line with all these submission, Santa (2021) concluded that social media regulation in a democratic society will stifle the media from performing their traditional functions.

Conclusion

Following the findings of this study, the researcher has come to the following conclusion. This result of the study confirmed that Twitter ban was used as a way to limit freedom of information and expression of the public. On the other hand, the study confirmed that the ban is in direct infringement of freedom of information acts, which

allows individuals to seek and access information without any obstruction.

The data of the survey confirm that the regulation of social media implies the suppression of free expression and Twitter ban is a demonstration that suppress the fundamental rights of citizens. Nigeria online censorship will continue to pose a danger to freedom and expression of the internet. In effect, to the data show to a good extent that Twitter ban affected the freedom of information and expression Nigerian citizens.

Recommendation

The following recommendations have been presented in consideration to the findings of the study:

- i. The study suggest that Nigeria should serve as a role model for liberal democracy and the rule of law in protecting human rights and freedom.
- ii. It is important that Nigeria Federal Government and her citizens should abide to Universal Declaration of Human Rights obligation and duties to uphold and advance basic fundamental human right.
- iii. Twitter should put stricter measures to regulate the spread of fake news immediately. The management of Twitter should screen the platform regularly to ensure that users comply with community guidelines on safety and sanity of the society.

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