ORIGINAL ARTICLE

Assessment of Compliance to Online Communication Laws by Undergraduates in South East Nigeria

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Abstract

Communication laws are used to regulate the society to ensure that individuals through communication do not destabilize the general interests of society. This study was hinged on diffusion of innovation theory and employed focus group discussion methodology with the use of 18 undergraduates as discussants drawn from three universities in south east Nigeria. Findings revealed that undergraduates in south east Nigeria do not comply with online communication laws as unawareness of existing online communication laws, anonymity of offenders and geographical jurisdiction are termed as the banes to ensuring compliance. It recommended among other things that government should introduce and reinforce legal reforms, engage in international cooperation and promote legal literacy in educating the populace especially the scholars on the laws related to online communication in order to ensure compliance to online communication laws.

Keywords: Communication, Compliance, Internet, Law, Online.

Introduction

The advent of online communication came with radical changes that have had far-reaching effects. One of the changes is the liberalization of the communication space to enable popular participation such that the elitism and centralization typical of the old media system is substantially excluded in the new communication culture (Gilens & Hertzman, 2000). Thus, the advent of the Internet which gave birth to online communication, more than ever before, has put the real communication power into the hands of individuals who otherwise could not have been so empowered (Abaji, 2009). Individuals connected to the Internet automatically assume the role of both information creators and information generators, hence effectively eliminating the gatekeeper/audience dichotomy. This liberalization also implies that the online space is largely unregulated, as crowd of users from different parts of the world unrestrictedly originate contents with no one answerable to another. In other words, the users are masters unto themselves as the hierarchy-based system of gate-keeping associated with the traditional media is practically absent in this realm.

Yet communications that happen online are as much subject to the law as the communications that go on in the traditional media and in interpersonal situations; in other words, there are no different standards for these categories of communication **(**Omekwu, 2016). The conventional communication laws include defamation, privacy, sedition, copyright, official secrets and contempt of court among others. All these apply to the online communication as much as they apply to the traditional media. These communication laws evolved out of the necessity to ensure that the public and individuals are protected from the possible harm which certain kinds of communication could pose to them (Momoh, 2003). However, while ensuring compliance has come with less difficulty in regard to the traditional media, the same cannot be said of the new media (online).

Online communication refers to communication done via the Internet or the new media. New media have been generally seen as those Internet-based communication platforms that differ from the traditional media principally due to their user control features, interactivity, convergence and flexibility (Bilz & Nadler, 2014). These features mean that the new media, unlike the traditional media, lend themselves more to control by the user who not only decides what to consume but is also in the position to generate what others consume. It also

means that a user is relating horizontally with other users with whom he/she interacts; implying that feedback is immediate. The feature of convergence means that the new media integrate various traditional media forms – print and electronic – to give users the variety of text, picture, video and audio; all from one device. Ukonu, Wogu and Ekwueme (2013, p. 2) assert that:

> The implication of this convergence is that mainstream media, which had existed as organs of mass communication can now use one technology – the Internet. Information can reach the public from one online platform, instead of compulsorily through many different media firms.

Hence, online communication constitutes all manner of communication done through any of the platforms of the new media. Stated differently, it refers to that wide range of communication activities done via the instrumentality of the Internet. Such activities will include e-mailing, chatting, Internet researching, online music playing, online film viewing, online games playing, online publishing, online advertising, and online broadcasting among others.

Every human society, primitive or modern, is guided by certain codes which everyone is expected to comply with at the risk of sanction. It is these codes that are referred to as law. Veron (2013) defines law as "the whole system of rules that everyone in a country or society must obey" (p.841). Law is so important in a society because it does not only prescribe rules of conduct but also define boundaries of enforceable rights, privileges and duties. Hence, no society can afford to be lawless as the absence of law implies anarchy. In this respect, Veron (2013, p. 3) elaborates:

> The law affects every aspect of our lives; it governs our conduct from the cradle to the grave and its influence even extends from before our birth to after our death. We live in a society which has developed a complex body of rules to control the activities of its members.

The relationship between law and communication is a fundamental one for the basic reason that the law regulates all social activities and communication is at the centre of all social activities (Navetta, 2011). For this reason, regulation of communication has become an important function of law in all society. Stated differently, communication becomes one of the aspects of life affected by legal regulation. Legal regulation of communication occurs at both the interpersonal and mass levels of communication (Momoh, 2003). At the level of mass communication, the law that regulates communication is properly called media law or mass communication law (Ewelukwa, 2004). As comprehensive as the definition appears, its limitation is the failure to include online communication in its understanding of the scope of media law. However, Handzhiyska and Mackay (2003) rightly observe that media law "does not refer to a uniform body of law but is rather a collection of a variety of laws and ethical standards that influence the work of the media" (p.5). Similarly, the authors observe that "different forms of media are subject to different regulations" (p.5).

Navetta (2011) contends that basically the same set of laws that affect traditional media communication is also found in online communication, though there are new laws (such as related to online fraud and stalking) coming with the arrival of the Internet.

The implication of the foregoing to the communication laws in relation to the Internet is that ensuring reasonable compliance becomes very difficult if not impossible. Since the users operate as crowds as against the institution-based professionals of the traditional media and since they may be anonymous, their sense of personal responsibility may become weakened, which in turn potentially affects their consciousness or even awareness of the applicable norms **(**Omekwu, 2016**).** On the part of the state, enforcement of these applicable norms becomes seriously impeded for the reason that the above noted circumstances profoundly work against effective surveillance. Surveillance for the sake of

law enforcement requires that the potential offenders be identifiable in terms of personality and location – two elements of identity that are often undermined by the very nature of the Internet (Davenport, 2012).

Experience seems to show that the unregulated nature of the online communication has ensured that the cyberspace has become an apparently anarchic sphere where all manner of communications is found: ranging from the most sublime to the most ridiculous, from the most accurate to the most misleading, and from the most edifying to the most depraving. Under this chaotic atmosphere, law and ethics of communication are repeatedly undermined and under such atmosphere of laxity, people tend to become less conscious and even less aware of the applicable rules. To what extent could undergraduates in south east Nigeria imbibe the consciousness and knowledge of the law guiding online communications in the midst of the prevailing lax culture?

Due to the development and spread of cheaper and more-user friendly computer technology and software (like portable computers, Microsoft, etc), the use of the Internet has increased dramatically (Wanajak, 2011). In 2012, Internet penetration in Nigeria stood at 33%, up from 28% in 2011. The International Telecommunication Union (ITU) report of 2014 shows that the number of active mobile phone subscribers also increased from zero in 2000 to over 117 million subscribers or 84% penetration in 2013; most young people within the age range mentioned are university students who actively engage in research for academic purposes. They also form a large proportion of the online community, who use the online communication for various reasons. Therefore, this study assesses the extent of compliance with the laws guiding online communications among the undergraduates in south east Nigeria and ascertains the factors that may hinder compliance to online communication laws.

Abolarinwa, Tiamiyu and Eluwa (2015) examined computer ethics and security awareness behaviour of two tertiary institutions in South-Western part of Nigeria. Through questionnaire survey, 520 students were randomly sampled in the two institutions. Findings revealed that the level of awareness of male students on computer ethics seem to be higher than that of their female counterpart. The older students (31-40 years) tended to be more aware on computer ethics than the younger ones. In terms of computer security awareness, no significant difference was recorded among the gender and different age groups. Findings equally revealed that the number of hours students spent per week using computer and internet has significant influence on their level of computer security and ethics awareness. Those that spent more than 20 hours weekly scored higher in computer security and ethics awareness than those that spent 10 hours or less.

Osho, Onuoha, Ugwu and Falaye (2016) assessed the security awareness of customers of e-commerce sites in Nigeria and factors that influence acceptance of these platforms. Data were collected via the use of questionnaire. Results showed that most customers are aware that their information is stored by the e-commerce sites, and are concerned about the security of their data on these sites and the possibility of their information to be transferred to third party without their knowledge or permission. Yet only few of them make effort to always check the security and privacy policies of the sites before making purchases. Also, only few users are conversant with security technologies for securing e-commerce platforms.

Onyeka and Obiora (2021) investigated the awareness and attitude of undergraduates in South-East Nigeria to laws guiding online communication. The study adopted survey and a total of 500 respondents were chosen via the multi-stage approach Findings showed that there was low awareness of laws guiding online communication among undergraduates in South- East Nigeria and that these undergraduates were largely indifferent towards the existence of online communication laws. It was concluded that there was still gap between the online communication usage in the country and the extent of awareness of the legal norms associated with the media, implying that the nation might be facing the risk of social harm

possibly resulting from use of the Internet in ways that do not take cognisance of the required social norms.

Theoretical Framework

The diffusion of innovation was chosen for the purpose of creating a theoretical framework for this study. This is because the theory is concerned with how awareness, attitude and action is built in relation to an innovation. In this case, the Internet with all its social components (including its laws) is the innovation. And this innovation is adopted through the process diffusion as the various layers of the population gain awareness, form attitude and act towards the innovation.

According to Hasan, Rahman, Abdillah and Omar (2015), every innovation (including technological innovations) comes with its norms. Understanding and adoption of this technology also imply understanding and adoption of its norms. Thus, the advent of the Internet also implies the advent of a set of new norms (laws, ethics, values, etc.) which are part of the social component of the technology because "every material innovation also has its social component so long as such innovation exists in the social realm" (Hasan, Rahman, Abdillah, & Omar, 2015, p.383). In Nigeria, for instance, the advent of the Internet has brought about some legal innovations by way of emergence of new laws such as related to cybercrimes, cyber stalking, and cyber terrorism; adopting the Internet will involve understanding the technology, and understanding the technology will in turn involve appreciating the rules of its use, and these rules necessarily include these laws.

Method

This research was designed as qualitative study with the adoption of focus group discussion (FGD) which involves getting a selected group or groups of individuals who are made to discuss a particular subject under the guidance of a moderator who extracts data from the points made in the discussion (Arnold, 2010). The data collection instrument for the FGD was a focus group discussion guide which comprised key questions which the researchers directed to the discussants as well as key points the researchers observed from the answers and other comments by the discussants.

The study utilised three focus discussion groups of six discussants each resulting in a total of 18 discussants. Three of the selected states hosted one of the sessions each, and these sessions were distributed among the three categories of universities i.e. federal, state and private. Thus, FGD sessions were conducted in Nnamdi Azikiwe University Awka (federal), Abia State University Uturu (state) and Godffrey Okoye University Enugu (private). The snowball technique (where one contact generates another) was used for selecting the discussants. Each group was segregated based on gender. Each consisted of three males and three females while it was ensured that it was representative of the various levels of study.

Results

The FGD data analysis was thematically done.

The discussants spoke on their level of compliance with laws guiding online communication. Starting with the law of defamation, they admitted that they largely do not consider that particularly while sharing posts about public figures. Discussant "Dn" stated:

> I don't think I consider the factuality of these posts before sharing. There are many things flying about online regarding political figures and even entertainment figures. Some of them are quite intriguing. If I find anyone interesting, I simply share and I don't think I have tried to verify any of them.

Discussant "L" admitted:

> I have not originated posts that could damage other people's reputation. But there is a lot of them online any time and I will admit I have shared a number of times and did that without bothering to know whether they are true or not. It has never occurred to me so.

Discussant "C" said:

> You find out that the people talked about most on the Internet are public figures and you kind

of feel free to talk about them believing that they don't have much private life and they have little to hide. That's why I share posts about them without minding their veracity, and I think that's what happens with other persons.

However, Discussant "P" and Discussant "D" stated that they are often mindful of the defamatory status of what they post or share. Discussant "P" shared an experience:

Recently, I saw a post on a Catholic priest who left the priesthood. People were commenting that he had taken the decision because he wanted to make money. I wanted to comment, but after pause, I decided otherwise because I was not sure.

Discussant "D"'s own experience went thus:

Yes, I look at the authenticity of the source the evidence and the apparent intention.

Regarding sedition, most of the respondents admitted that they never took steps to ensure their communication does not breach the law. Thus, they admitted to freely make posts appearing to contain hate or potentially inciting materials on the basis of ethnicity or religion. Discussant "N" stated:

I have shared such posts and I still share them. At times, I feel strongly about ethnic injustice and when I see posts making the points I agree with I quickly share.

Discussant "Es" admitted:

I have been sharing such posts. I didn't know they could amount to disobeying the law.

According to Discussant "Dn",

Even though I know it may be illegal, I still share the posts. I find them interesting and I love others to read them.

Discussant "P" stated:

I didn't know such posts could be illegal. I share them without minding. For instance, I shared the post about the beheading of a woman in Kano. I also shared posts on Buhari's death.

Discussant "D" noted:

I share such posts. I know they may amount to illegality especially when what is said is a misrepresentation of reality.

According to Discussant "An",

I don't know such posts could be illegal. Notwithstanding, I don't share them. But they should make it known to everyone that these things are illegal.

However, Discussants "G" and "In" noted that they don't make or share such posts for the reason of their likely consequences. However, Discussant "Ir" said she does not make or share such posts because they are often political and she has no interest in politics.

On obscenity/indecency law, many of the discussants admitted freely sharing sexually explicit materials by way of texts, pictures and videos. Discussant "D" stated: "I knew they may be frowned at by the law but I still share them." Discussant "N" admitted: "I share them. I did not know they offend the law." Discussant "P"'s response was similar: "I have shared them several times."

Regarding privacy, official secrets, and contempt of court, most of the respondents attributed their non-compliance to ignorance. They noted that they had shared posts without thinking about their implication in these respects. However, regarding copyright, compliance was almost zero and the respondents did not deny their knowledge of illegality of unauthorised downloading, copying and sharing of intellectual property such as music and film. All of the discussants admitted to have downloaded and shared such materials without bothering to find out whether such constituted copyright infringement. Discussant "V" stated:

I download and share films, comedy and all that. I have never bothered to know whether they are authorised or not. It's just a routine.

Discussant "An" admitted:

I download and share materials and I know of this copyright issue. In some sites you find copyright warnings. But I don't think I pay much

attention to the warnings. I just proceed to do what I want to do.

Discussant "C" contributed:

I don't mind the copyright restrictions when I download, and I think people hardly care about copyright here. It's just a culture we are used to here. I have heard musical artists and filmmakers lament about their copyright. I think Internet has worsened everything for them.

Discussant "E" noted:

All the music I have on my phone, I downloaded from the Net. I also transferred and still transfer to people. If this is copyright violation, I don't think it has ever bothered me. I have never brought that to consciousness.

However, regarding online fraud and online harassment, all the discussants denied having done such. They asserted that they are aware of their illegality and immorality and have distanced themselves from such. This claim agrees with the data in Table 10 and 13 which show both high awareness and compliance with the online fraud and online harassment.

In all, the discussants' responses generally point more towards non-compliance with online communication than towards compliance.

Thematically, the respondents highlighted the following as factors that may hinder compliance to online communication laws

- **The Anonymity of the Offender**
  Anonymity is a factor that has veritably made violation of communication law much easier. It is a feature of the Internet that enables users to effectively hide their identities either by communicating anonymously or by use of pseudonyms. All this means that a user can post or do anything online without being discovered, a situation that opens doors for free violation of laws and ethics guiding public communication.
- **The Geography/Jurisdictional Challenge**
  Countries have the powers to enforce their laws only within their respective boundaries. Hence, Nigeria cannot enforce her laws in the United States or Ghana. This is what is referred to as jurisdiction – a country basically does not enforce laws outside her jurisdiction. However, since the Internet transcends national boundaries, this jurisdictional restriction presents a challenge.
- **The Ignorance and apartheid attitude towards the online communication laws**
  People tend not to be aware that the same law that guides the traditional media guides the online media, hence they are not aware they are actually violating particular law through online communication. Moreover, those who are aware about the said laws care less about its effect or sanctions since it seemed the laws are not being enforced.

Discussion of Findings

This study showed that there was low compliance with the laws guiding online communications among the undergraduates. This finding of low compliance could be linked to indifference (negative attitude) and ignorance (low awareness). In behaviour change communication, awareness is recognised as critical to attitude change and ultimately behaviour change (Dalal, 2015), meaning that one has to possess the requisite information to be in a position to judge correctly (positive attitude) and then act correctly (positive practice). Therefore, the fact that the undergraduates were largely not complying with the laws guiding online communication could be a product of their ignorance of these laws. This is in line with the study of Onyeka and Obiora (2021) that revealed the indifferent attitudes and ignorance to online communication laws by undergraduates.

It is pertinent to note that one of the important factors that have been identified as affecting knowledge and negative attitude to law is the general legal culture in a particular society; where there is strict enforcement of the law, there is more likely to be greater public legal consciousness than in a place where enforcement is lax (Dalal, 2015). This could lead to the assumption that enforcement of Internet laws in Nigeria may still leave much to be desired. So, against this backdrop, what may be required is

more vibrancy in the enforcement of those laws regulating online communication in order to enhance public consciousness of these laws, hence leading to better awareness, positive attitude and compliance among individual members of the society. This is exactly the counsel given by Davenport (2012) when he observes that what many nations should do is to strengthen Internet law enforcement "as enforcing the law is the best way to make the law known" (p.2).

Viewed from the point of view of the theory of diffusion of innovation, the findings of this study may be an indication that there are still gaps as far as diffusion of Internet culture in the country is concerned. This assertion stems from understanding the argument by Dalal (2015) that every innovation (including technological innovations) comes with its norms. As such, understanding and adopting of this technology also imply understanding and adoption of its norms. Thus, the advent of the Internet also implies the advent of a set of new norms (laws, ethics, values etc) which are part of the social component of the technology because "every material innovation also has its social component so long as such innovation exists in the social realm" (Dalal, 2015, p.383).

Conclusion

Every new technology comes with its normative imperative, meaning that new rules and new laws would have to be adopted to protect the welfare of the individual and society. For instance, the advent of car gave rise to traffic rules while emergence of telephone gave rise to laws forbidding phone tapping. In the same vein, the emergence of the Internet is throwing up its own legal imperatives and which can be ignored only at the risk of the society's wellbeing. Consequently, if (as found in this study) young Internet users in Nigeria are not yet at home with the laws associated with Internet use and so largely fail to comply with them, then the nation faces a danger of suffering rather than benefitting from the Internet. This work revealed that there are hindrances to ensuring adequate compliance to online communication laws.

Recommendations

To achieve an online communication sphere that is devoid of violations and anarchy, the following measures will give room to compliance of online communication laws in Nigeria:

1. Government should introduce legal reforms. This implies making new laws and amending existing ones for the purpose of arresting the challenges posed by online communication laws.
2. Through international cooperation, Nigeria and other countries could sign treaties and other agreements to cooperate for the purpose of enjoying mutual jurisdictions over crimes committed across their respective borders.
3. Stakeholders should introduce legal Internet literacy. This is the ability of average skilled web 2.0 users to read, understand, and interpret legal text in order to align one's actions with these statutory specifications. It involves understanding the legal rules that apply in the use of the Internet.
4. There should be awareness campaign of online communication law. Obedience to the law does not occur in isolation; it is ultimately implicated in the audience's awareness and attitude towards the law, just as obtains with other forms of social behaviour.

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