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Can Social Media Posts Constitute Criminal Offences?

The rise of social media has fundamentally transformed how people communicate, express opinions, and engage in public discourse. Platforms such as Facebook, X (formerly Twitter), Instagram, TikTok, and WhatsApp have given millions of Nigerians the ability to share information instantly with audiences that may extend far beyond their immediate circles. While these platforms have enhanced freedom of expression and democratic participation, they have also created new legal challenges. One question that frequently arises is whether a social media post can constitute a criminal offence.

Many users assume that because social media platforms are informal spaces for personal expression, anything posted online is protected by the constitutional right to freedom of speech. However, this assumption is not entirely correct. While freedom of expression is a fundamental right guaranteed under the Constitution of the Federal Republic of Nigeria, that right is not absolute. Like most constitutional freedoms, it is subject to limitations imposed by law in the interest of public order, national security, public morality, and the protection of the rights of others.

As a result, certain social media activities can attract criminal liability under Nigerian law.

The digital age has effectively blurred the distinction between online and offline conduct. A statement made on social media can reach thousands or even millions of people within minutes. Consequently, the law increasingly treats harmful online conduct in much the same way as similar conduct committed through traditional means.

One area where criminal liability frequently arises is cyberstalking. Under the Cybercrimes (Prohibition, Prevention, etc.) Act, individuals who use electronic communication to send messages that are grossly offensive, threatening, intimidating, or intended to cause annoyance, inconvenience, danger, or emotional distress may be exposed to criminal prosecution. What many social media users

regard as ordinary online arguments can sometimes cross the line into unlawful conduct when messages become abusive, threatening, or harassing.

For example, a user who repeatedly posts threatening messages against another person or engages in coordinated online harassment may not simply be exercising free speech. Depending on the circumstances, such conduct could amount to cyberstalking or another offence recognized by law.

Another category of potentially criminal social media activity involves the dissemination of false information. The spread of misinformation and fake news has become a significant concern globally, particularly during elections, public health emergencies, and periods of social unrest. A social media user who knowingly circulates false information capable of causing panic, public disorder, or damage to another person's reputation may face legal consequences.

This issue has become increasingly relevant in Nigeria, where social media platforms often serve as primary sources of news and information for many citizens. False reports about security incidents, government policies, or public officials can generate confusion, undermine public confidence, and even trigger unrest. In such circumstances, authorities may investigate whether the conduct violates existing criminal laws.

Defamation is another area that deserves attention. Most people are familiar with civil defamation, where an injured party sues for damages arising from false and damaging statements. However, many are unaware that defamation can also attract criminal consequences in certain circumstances. A social media user who publishes false allegations against another person may expose themselves not only to civil liability but also to criminal proceedings where applicable under the law.

The growing influence of social media influencers, bloggers, and content creators has further complicated the legal landscape. Individuals with large online followings possess considerable power to shape public opinion. While this influence can be used positively, it can also be abused through the publication of false accusations, malicious allegations, or content designed to incite hostility against individuals or groups.

Social media posts may also constitute criminal offences where they amount to incitement. Incitement generally involves encouraging others to commit unlawful acts or engage in violence. In a society as diverse as Nigeria, statements capable of provoking ethnic, religious, or political violence are often treated with particular seriousness.

A post calling for violence against a community, encouraging attacks on public institutions, or promoting disorder may attract criminal investigation and prosecution. The law recognizes that words, especially when amplified through social media, can have real-world consequences. The fact that a statement is made online does not diminish its potential impact.

Similarly, posts relating to terrorism, extremist activities, or threats to national security may attract criminal sanctions. Modern communication technologies have made it easier for unlawful groups to spread propaganda, recruit supporters, and coordinate activities. Consequently, governments across the world, including Nigeria, have increasingly focused on monitoring online spaces for activities that may threaten public safety.

It is equally important to note that social media evidence is now regularly admitted in legal proceedings. Law enforcement agencies have become more sophisticated in investigating digital communications. Screenshots, archived posts, videos, messages, and electronic records can all be used as evidence during criminal investigations and trials.

Many social media users mistakenly believe that deleting a post eliminates all legal risks. In reality, digital footprints often remain accessible through screenshots, backups, server records, and other forms of electronic evidence. Once content has been shared online, it may continue to exist long after the original post has been removed.

Despite these realities, concerns have also been raised regarding the potential misuse of criminal laws to suppress legitimate criticism and dissent. Critics argue that some laws relating to online communication may be applied too broadly, creating a chilling effect on freedom of expression. Human rights advocates have repeatedly emphasized the need to strike a balance between protecting individuals from harmful online conduct and safeguarding the constitutional right to criticize public officials and government policies.

This balance is particularly important in a democratic society. Social media has become a vital platform for political participation, civic engagement, and public accountability. Citizens must be able to express opinions, question government actions, and participate in public debate without fear of unjustified prosecution. At the same time, freedom of expression does not extend to threats, harassment, incitement, or deliberate falsehoods that cause harm to others.

The challenge for lawmakers, courts, and law enforcement agencies is therefore to ensure that criminal laws are applied fairly and proportionately. The objective should not be to punish unpopular opinions but to address genuinely harmful conduct that threatens public safety, individual rights, or social order.

Ultimately, the answer to the question is clear: yes, social media posts can constitute criminal offences. The internet is not a law-free zone, and the fact that a statement is made online does not place it beyond the reach of the law. While Nigerians enjoy the constitutional right to freedom of expression, that right carries responsibilities. Users must exercise caution, verify information before sharing it, avoid defamatory or threatening content, and respect the rights of others.

As social media continues to shape public discourse, legal awareness becomes increasingly important. In the digital age, a single post made in a moment of anger, recklessness, or misinformation can have consequences far beyond the screen. Understanding those consequences is essential for promoting both responsible online behaviour and a healthy democratic society.