



Digital Media Regulations in Nigeria: Discourses on Statutes and Enforcements

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ABSTRACT

Background: Digital media has evolved globally, including Nigeria, covering a range of online platforms, from blogs and social media to videos, podcasts, and streaming services. While these platforms offer quick and accessible communication, they also bring issues like hate speech, fake news, privacy invasion, and intellectual property concerns. In response to these challenges, the Nigerian government has sought to regulate digital media through various statutes and regulatory frameworks. Despite these regulatory attempts, the enforcement of digital media laws remains contentious.

Objective: To investigate the statutes that regulate digital media operations in Nigeria and the modalities for their enforcements.

Method: The study adopted qualitative research design built on two approaches: The Content Analysis which helped us to gather data from secondary sources; and the survey research design which in this case was Focus Group Discussion (FGD). This helped us to gather data from primary sources (police officers, lawyers and the Nigerian Communications Commission). Also, data was transcribed using thematic analysis.

Result: When it comes to statutes regulating “digital media” operations in Nigeria, there are relatively no laws, particularly concerning the contents that regulate what people publish or consume in the digital media space.

Conclusion: The study concludes that there is an urgent need to enact specific statutes particularly focusing on “digital media” regulations, and effective enforcement of these statutes requires a collaborative approach between governmental bodies, regulatory agencies, lawyers, NCC, and online platforms.

Unique contribution: The study contributes to the existing body of knowledge on digital media regulations in Nigeria: discourses on statutes and enforcements, creating the balance Nigeria seeks between freedom of expression and societal protection, offering insights into the roles of regulatory bodies, civil society, and digital literacy initiatives in shaping responsible online engagement.

Key recommendation: The study recommends that government, civil society organizations, lawyers, police officers, and Nigerian Communications Commission (NCC) officials should work in unison to make sure cases of digital media infractions are taken to court, litigated, and prosecuted. No one, including high-profile individuals, should be above the law. This will bring back public confidence in the Nigerian legal system.

Keywords: Digital Media, Regulations, Discourses, Statutes, Enforcements.



INTRODUCTION

In today's world, digital media has evolved significantly, covering a range of online communication channels like blogs, social media, videos, and podcasts (Balkin, 2020). While digital platforms offer convenience, they also present challenges such as hate speech, fake news, privacy violations, and intellectual property theft, which are intensified in a globally connected and culturally diverse community. The rapid growth of digital media raises concerns about balancing freedom of expression with societal protection, and addressing issues like misinformation, privacy, and hate speech requires global solutions (Aligwe, Nwankwo, & Nwafor, 2017).

Technological advancements have democratized content creation, empowering individuals but also raising questions about the credibility of online information (Karppi, 2018; Onyejelem & AOn Dover, 2024a). Misinformation has become a major concern, eroding public trust, distorting public discourse, and influencing elections (Pennycook & Rand, 2020). The European Union's Code of Practice on Disinformation urges online platforms to address false information. Hate speech is another dangerous issue, as it incites violence and discrimination, leading some countries to enforce strict laws to curb it, such as Germany's Network Enforcement Act (Zimmermann, 2019).

The issue of privacy, particularly in balancing it with national security, is also a challenge in the digital age. Laws like the General Data Protection Regulation (GDPR) illustrate this complexity (Schmermer & Zarsky, 2017). UNESCO and the UN Human Rights Council have frameworks to protect freedom of expression while ensuring privacy. In Singapore, the government enforces laws to combat fake news while preserving free speech (Wong, 2019).

Nigeria's diverse cultural and linguistic landscape adds complexity to digital media regulation. Balancing freedom of expression with cultural values remains a challenge in shaping content governance (Okorie, 2018). Additionally, digital media entrepreneurship has become a key opportunity for economic growth, as fostering creativity in the sector can contribute to national development (Adegbola & Akeredolu, 2017).

In Nigeria, digital media is still evolving, and platforms like Twitter, Facebook, and Instagram play a crucial role in political activism. The #EndSARS protests in 2020, organized mainly via social media, highlight the power of digital platforms in uniting citizens and raising awareness (Ibeto, 2021). Digital media also allows Nigerians to bypass traditional media to report news and share real-time updates, especially during the COVID-19 pandemic (Akpan, 2020).

While digital media plays a key role in real-time news sharing, it also fuels misinformation and hate speech, which disrupts public conversations (Ogunlesi, 2018). For example, In 2017. Kemi Olunloyo, known for her controversial journalism style, accused Pastor David Ibiyeomie, the founder of Salvation Ministries, of having an extra-marital affair with Nollywood actress, Iyabo



Ojo. Ibiyeomie, in response, filed a lawsuit claiming that Olunloyo's publications were defamatory and intended to damage his reputation. She was arrested and put in the Port Harcourt prison. So, as digital media continues to expand, there is an urgent need to balance freedom of expression, fundamental human rights, protection of one's name from harm and journalistic freedom.

Nigeria has introduced regulations like the Nigerian Communications Act of 2003, which governs communication services, including digital platforms, and the Cybercrime Act of 2015, which addresses issues like online defamation and identity theft (Oguamanam, 2019). The proposed *Social Media Bill* has sparked debate on balancing free speech with combating misinformation, though it has yet to be enacted. Enforcement of digital media regulations in Nigeria involves collaboration between government bodies, regulatory agencies, and social media companies. The National Information Technology Development Agency (NITDA) oversees data protection and privacy, while the National Broadcasting Commission (NBC) monitors broadcast content standards. The research gap is that whereas existing studies on digital media regulation in Nigeria have primarily focused on the legal frameworks and institutional mechanisms. However, there is a dearth of research examining the discursive dimensions of digital media regulation, including the social, cultural, and political contexts that shape the implementation and enforcement of these regulations.

Research Questions

- a) What are the statutes that regulate digital media operations in Nigeria?
- b) How widespread and comprehensive are these statutes with respect to the various dimensions of digital media operations?
- c) To what extent among practitioners are these statutes enforced in the face of infractions?

LITERATURE REVIEW

Digital Media Regulation

Digital media has emerged as a dominant force today, reshaping the way humans communicate, consume information, and entertain themselves. The evolution of digital media can adduce to interaction among users. Jenkins (2006) observes that digital technologies have blurred the boundaries between different media forms, fostering participatory culture and user-generated content. The digital landscape in Nigeria, like in many other parts of the world, has witnessed a meteoric rise in recent years (Onyejelem, 2018). With the proliferation of social media platforms, online news outlets, and streaming services, the digital media sector has become a vital component of Nigerian society. However, this rapid growth has prompted the Nigerian government to enact regulations to address various concerns related to content, privacy, and national security.

Nigeria has a robust regulatory framework governing the media, primarily anchored in several key statutes. The most prominent of these statutes include the National Information Technology Development Agency (NITDA) Act of 2007 and the Cybercrimes Act of 2015. The NITDA Act



establishes the National Information Technology Development Agency, responsible for formulating and implementing policies for the regulation and development of information technology in Nigeria (NITDA Act, 2007). This agency plays a crucial role in overseeing digital media regulation, particularly in areas related to data protection and cybersecurity. In a nutshell, digital media regulations in Nigeria are evolving in response to the challenges posed by the digital age (Aligwe, Nwafor, & Nwasum, 2017)

Freedom of Expression

Freedom of expression is an essential component of a functioning democracy, this is because it empowers individuals to voice their opinions, engage in public discourse, and hold those in power accountable. Sunstein (2017) emphasizes the role of free speech in shaping diverse and inclusive societies. He argues that free expression not only encourages the exchange of ideas but also contributes to social progress and innovation. In the digital age, freedom of expression faces new challenges. Tufekci (2017) notes the impact of social media platforms on information dissemination and censorship. She suggests that algorithms and content moderation policies can inadvertently limit free expression, raising concerns about the power of tech companies to influence public discourse.

The boundary between free expression and hate speech remains a contentious issue. Waldron and Bickel (2020) said there are complexities in regulating hate speech in the context of freedom of expression. They contend that striking a balance between curbing hate speech and protecting free speech is a delicate task that requires careful consideration. Freedom of expression is closely tied to the role of journalism as the fourth estate. Corroborating this fact, Wasserman (2019) notes the importance of investigative journalism in safeguarding democracy. He argues that journalists play a crucial role in uncovering corruption and abuses of power, underlining the need for press freedom.

Data Protection and Privacy Laws

In the age of digital transformation and the rapid proliferation of technology, the protection of personal data and privacy has become a paramount concern for individuals, businesses, and governments worldwide. Nigeria, as Africa's most populous nation and a burgeoning tech hub, has not been left behind in recognizing the importance of data protection and privacy.

Nigeria's data protection journey can be traced back to the 1999 Constitution, which guarantees the right to privacy in Section 37. However, significant advancements have occurred since then, leading to the enactment of more comprehensive laws (Aligwe, Anibueze, & Nwafor, 2018). One of the most significant milestones in Nigeria's data protection landscape is the introduction of the Nigerian Data Protection Regulation (NDPR) in 2019. The NDPR was promulgated by the National Information Technology Development Agency (NITDA) and is modelled after the



European Union's General Data Protection Regulation (GDPR). The NDPR represents a robust legal framework that addresses data protection and privacy concerns in the digital age.

The NDPR outlines several key principles, including data subject rights, data controller obligations, and the importance of obtaining consent for data processing. Adejonwo-Osho and Emeka-Maduagwu (2020) examined the NDPR in detail, they asserted its potential to strengthen data protection in Nigeria. To this end, Lawal (2021) discussed the need for comprehensive awareness campaigns to bridge this knowledge gap. Adebajo and Ogunsanwo (2021) analysed the enforcement challenges in detail, they elaborated on the need for stronger regulatory bodies and mechanisms to ensure compliance.

EMPIRICAL REVIEW

Musiliu (2023) conducted a study entitled Digital Media Regulations in Nigeria: A Comprehensive Analysis of Statutory Frameworks. Methodologically, Musiliu (2023) in his study employed a mixed-methods approach, combining qualitative and quantitative data collection methods. This included a comprehensive review of relevant legal statutes and regulations related to digital media in Nigeria. Additionally, semi-structured interviews were conducted with key stakeholders, including legal experts, media professionals, and government officials, to gain insights into the practical implications of these regulations.

The findings showed that Nigeria has a complex regulatory framework for the media, comprising various laws and agencies, such as the Nigerian Communications Commission (NCC) and the National Broadcasting Commission (NBC) and despite the existing legal framework in Nigeria, there are still some attendant challenges with the enforcement of these regulations, including a lack of coordination among regulatory bodies and limited resources for monitoring and enforcement. Musiliu's (2023) research covers the challenges with the enforcement of digital media regulations in Nigeria, such as coordination issues and limited resources. To improve on this lacuna, the current research investigates the specific impediments to effective enforcement, delves into case studies, and explores potential solutions. The current research leverages the going gap as it will involve focus group discussion and content analysis.

Theoretical Framework

The study was advanced on the Regulatory Compliance Theory propounded by Ian Ayres and John Braithwaite in the late 20th century. The theory posits that regulatory systems are most effective when entities willingly comply with regulations rather than being coerced into obedience. At its core, according to Levi-Faur (2011), Regulatory Compliance Theory contends that compliance is not merely a consequence of fear of punishment but is driven by the internalization of regulatory norms by individuals and organizations. It introduces the concept of responsive regulation, advocating for a flexible and context-specific approach to enforcement that combines both deterrence and cooperation. The dynamic nature of the digital landscape is characterized by rapid



technological advancements, and evolving communication platforms necessitate an adaptive regulatory approach (Howard, 2012). As the Nigerian government seeks to govern the digital media sphere, understanding how entities voluntarily comply with regulations becomes central to fostering a regulatory environment that balances innovation and accountability. Regulatory Compliance Theory is particularly apt for the study of digital media regulations in Nigeria. This is because the theory is instrumental in addressing the complexities of digital media regulations that extend beyond national borders. The global nature of digital communication platforms requires a nuanced regulatory approach that encourages cooperation and collaboration, mirroring the theory's emphasis on responsive and context-specific regulation.

METHOD

Research Design

Qualitative research design was adopted for this study. This was built on two approaches of in-depth analysis of library materials and Focus Group Discussion (FGD). These designs are effective for this type of study because it seeks to derive answers from those set of participants who are critical stakeholders in the digital media space in Nigeria. This also covered participants who enact the statutes and enforce laws on digital media issues. From this second design, empirical data was drawn from primary sources. In all, findings derived from the focus group discussion corroborated the insights obtained from the library research.

Population of the Study

The population for this research comprised of the 1,207 Nigerian Police Officers in Rivers State Command Moscow Road as provided by the PRO Unit of the Rivers State Divisional Headquarters, Moscow Road, the 3,043 lawyers as provided by the Secretary of the Nigerian Bar Association (NBA) Port Harcourt Branch and the 21 Nigerian Communications Commission (NCC) officials as provided by the HR, NCC, Port Harcourt Office, making it a total of 4,271.

Sample Size and Sampling Technique

A sample is the reducible number of the populations the researcher decides to use in their study. This sample written about is representative of the empirical data which helped the researcher explain the phenomenal tracked in the research. According to Silverman and Marvasti (2008), a sample is in the continuum, according to them, sampling is the building of relevance around what is to be sampled as it will best explain the questions of the research.

It must however, be noted that qualitative research does not thrive on inflatable figures serving as the population of study - wherein a large number will be drawn as a representative figure for the investigation. So, regarding this study, the sample size comprises six (6) participants each drawn



from the respective population of the NCC, lawyers, and police officers in Port-Harcourt, Nigeria, making a total of eighteen (18) participants.

On the other hand, sampling technique refers to the ideation behind how the participants considered in the sample size were chosen. Prescriptive upon the qualitative method, this study chose purposive sampling as the most ideal, not one tendered on the altar of statistics (Fusch and Ness, 2017). The researcher adopted the use of the purposive sampling technique, as this enabled her to choose only those participants who were knowledgeable on the subject matter. The criteria for choosing the participants differed for each set of participants owing to their respective professions. For the police officers, the criterion used was based on those who are still in practice, have at least five years' experience, and occupy the public relations arm of the police. The legal experts were chosen based on their aggregation of ten years' experience, this way, they are considered vast in legal matters. Lastly, the digital media experts were chosen based on their strategic positions in the discourse, also not less than five years of experience.

RESULT

Guiding Question 1: What are the statutes that regulate digital media operations in Nigeria?

Theme 1: Lack of Specific Legal Instruments for Digital Media

One of the recurring themes is the absence of notable legal frameworks that address digital media. Most participants who looked down and with a streak of confusion repeatedly noted that while Nigeria has statutes governing aspects of media and communication, there is no comprehensive law that targets "digital media". They emitted statements such as:

"The phrase 'Digital Media' in our legal jurisprudence, hmmm, I cannot assure you that we have any law or regulation with the phrase 'Digital Media'. But I do know that we have social media bills and regulations which cover both social media and print media and our normal conventional media outfits (Participant 1)".

For this very reason they broadly relied on media laws and the Freedom of Information Act, and this spelled out the gap in the cogently defined digital media regulations. This lacuna abandoned legal practitioners in a state of uncertainty, often extending traditional media laws to cover digital media issues.

Guiding Question 2: How widespread and comprehensive are these statutes with respect to the various dimensions of digital media operations?

Theme 2: Lack of Encompassing Laws

When answering this question, several participants were not sure of the widespread nature of digital media statutes, they were rather in a rush to skew or throw blame at other agencies.



"You cannot talk about digital case enforcements or infractions if there is no legal instrument that stipulates what digital media is or what infractions are, why should there be a conversion? (Participant 1)".

Furthermore, the lack of awareness and understanding among law enforcement agencies exacerbates the challenges of making the laws widespread. Practitioners noted with utmost dismay that many Nigerian Police Officers are not well-versed in digital media laws, and this has led to inconsistent and sometimes overreaching enforcement actions.

"Before you prosecute or enforce a law, you too will be conversant with that law. And I know that more than 90% of police officers are not aware of the law that they are trying to enforce (Participant 4)".

"The ones that I'm aware of, they are still in court, you know it's a novel area like sports law, entertainment law, and ehnm banking law. I have done a couple of banking cases. So, there are statutes too that govern these areas of laws, like these emerging areas, but to answer your questions, the matters are still very very novel (Participant 3)".

Guiding Question 3: To what extent among practitioners are these statutes enforced in the face of infractions?

Theme 3: Role of Existing Laws

From the focus group discussion, there was a clear show that despite the absence of specific "digital media" laws, practitioners often rely on existing statutes like the Cyber Crimes Act, EFCC Act, and the ICPC Act to address digital media-related issues. These laws they bask against as giving some grounds for offenders to be prosecuted.

"We have the Cybercrime Act which helps to regulate activities of users of the cyberspace and so far, the EFCC, Police, and ICPC are also doing their part to see how they can regulate it (Participant 3)".

However, the application of these laws as some of the practitioners noted, were not without limitations. They opine that the generality of these statutes sometimes fails to address the specificities of digital media infractions, necessitating amendments and the development of more targeted regulations. Very typical is this:

Stammers.... "Like I said, we are all on a learning process and every developing country of the world is trying to catch up with new trends in social media awareness. In Nigeria for instance, we have a series of laws, like in the constitution, we have rights of expression and all that, even the Freedom of Information Act which is also what I can say these are the two instruments I know for now that covers digital media as we could say here (Participant 5)". **Source: Fieldwork (2024)**



DISCUSSION

The first objective of this study was to find out the statutes that regulate digital media operations in Nigeria. The analysis reveals that Nigeria lacks specific statutes targeting the regulation of digital media operations. The term “digital media” itself remains relatively nascent in the legislative landscape. Existing statutes predominantly address social and broadcast media, which, while related, do not comprehensively cover the vast and varied activities within digital media. This regulatory gap reflects a broader issue identified by Otekunrin (2022), who argues that legislative frameworks often lag technological advancements, leaving significant areas of digital media unregulated.

The second objective was to ascertain how widespread and comprehensive these statutes are with respect to the various dimensions of digital media operations. Research indicates that the existing statutes are neither widespread nor comprehensive. The empirical data shows that where digital media regulations exist, their scope is limited, and their application is often superficial. This limited engagement with the law undermines its effectiveness and leads to inadequate regulation. As noted by Adamu and Sulaimon (2023), the narrow focus of existing laws on social and broadcast media does not encompass the broader spectrum of digital media activities.

The third objective was to inquire among practitioners how well these statutes are enforced in the face of infractions. The enforcement of statutes related to digital media infractions is predominantly restricted to issues within social and broadcast media. This limited enforcement scope is problematic, given that digital media spans a broader range of activities, including those regulated under the Cybercrimes Act and Intellectual Property Laws. As highlighted by Okoro (2021), the narrow application of enforcement undermines its effectiveness, particularly as technological advancements continuously introduce new forms of digital media infractions. Moreover, the enforcement mechanisms fail to address issues emerging from digital innovations, such as software-based patents, further complicating the enforcement landscape.

CONCLUSION

The study concludes that there is an urgent need to enact specific statutes particularly focusing on “digital media” regulations, and effective enforcement of these statutes requires a collaborative approach between governmental bodies, regulatory agencies, lawyers, NCC, and online platforms. Also, since digital media is evolving in Nigeria, the benefits can only be reaped when the public is receiving appropriate education on its use.



RECOMMENDATIONS

The study recommends that:

- The Nigerian judiciary should collaborate with relevant stakeholders in developing modern statutes that touch all aspects of digital media.
- Government agencies should disseminate laws governing digital media once established to ensure awareness among lawyers, the police and media users/experts.
- Lawyers and police officers should work in unison to enforce laws on digital media cases whenever infractions are reported.

Ethical clearance.

Ethical consent was sought and obtained from the participants used in this study. They were made to understand that the exercise was purely for academic purposes and that their participation was voluntary.

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Conflict of interest.

There is no conflict of interest. The research was conducted in the absence of any commercial or financial relationships that could be construed as a potential conflict of interest.

Authors' Contributions.

Boma Briggs Okokon conceived the study, including the design, Boma Briggs Okokon collated, analysed, and interpreted the data. Godwin B. Okon and Harcourt Dike Whyte critically reviewed and supervised the whole process. Boma Briggs Okokon wrote the initial manuscript. All authors critically reviewed and approved the final draft and are responsible for the final manuscript in its current form.

Availability of data and materials.

The raw data supporting the conclusions of this article will be made available by the authors, without undue reservation.



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