

INTERNATIONAL JOURNAL FOR LEGAL RESEARCH AND ANALYSIS



Open Access, Refereed Journal Multi Disciplinary
Peer Reviewed Edition :

www.ijlra.com

DISCLAIMER

No part of this publication may be reproduced or copied in any form by any means without prior written permission of Managing Editor of IJLRA. The views expressed in this publication are purely personal opinions of the authors and do not reflect the views of the Editorial Team of IJLRA.

Though every effort has been made to ensure that the information in Volume 2 Issue 7 is accurate and appropriately cited/referenced, neither the Editorial Board nor IJLRA shall be held liable or responsible in any manner whatsoever for any consequences for any action taken by anyone on the basis of information in the Journal.

Copyright © International Journal for Legal Research & Analysis

IJLRA

EDITORIAL TEAM

EDITORS



Megha Middha

Megha Middha, Assistant Professor of Law in Mody University of Science and Technology, Lakshmangarh, Sikar

Megha Middha, is working as an Assistant Professor of Law in Mody University of Science and Technology, Lakshmangarh, Sikar (Rajasthan). She has an experience in the teaching of almost 3 years. She has completed her graduation in BBA LL.B (H) from Amity University, Rajasthan (Gold Medalist) and did her post-graduation (LL.M in Business Laws) from NLSIU, Bengaluru. Currently, she is enrolled in a Ph.D. course in the Department of Law at Mohanlal Sukhadia University, Udaipur (Rajasthan). She wishes to excel in academics and research and contribute as much as she can to society. Through her interactions with the students, she tries to inculcate a sense of deep thinking power in her students and enlighten and guide them to the fact how they can bring a change to the society

Dr. Samrat Datta

Dr. Samrat Datta Seedling School of Law and Governance, Jaipur National University, Jaipur. Dr. Samrat Datta is currently associated with Seedling School of Law and Governance, Jaipur National University, Jaipur. Dr. Datta has completed his graduation i.e., B.A.LL.B. from Law College Dehradun, Hemvati Nandan Bahuguna Garhwal University, Srinagar, Uttarakhand. He is an alumnus of KIIT University, Bhubaneswar where he pursued his post-graduation (LL.M.) in Criminal Law and subsequently completed his Ph.D. in Police Law and Information Technology from the Pacific Academy of Higher Education and Research University, Udaipur in 2020. His area of interest and research is Criminal and Police Law. Dr. Datta has a teaching experience of 7 years in various law schools across North India and has held administrative positions like Academic Coordinator, Centre Superintendent for Examinations, Deputy Controller of Examinations, Member of the Proctorial Board



Dr. Namita Jain



Head & Associate Professor

School of Law, JECRC University, Jaipur Ph.D. (Commercial Law) LL.M., UGC -NET Post Graduation Diploma in Taxation law and Practice, Bachelor of Commerce.

Teaching Experience: 12 years, AWARDS AND RECOGNITION of Dr. Namita Jain are - ICF Global Excellence Award 2020 in the category of educationalist by I Can Foundation, India. India Women Empowerment Award in the category of "Emerging Excellence in Academics by Prime Time & Utkrisht Bharat Foundation, New Delhi.(2020). Conferred in FL Book of Top 21 Record Holders in the category of education by Fashion Lifestyle Magazine, New Delhi. (2020). Certificate of Appreciation for organizing and managing the Professional Development Training Program on IPR in Collaboration with Trade Innovations Services, Jaipur on March 14th, 2019

Mrs.S.Kalpana

Assistant professor of Law

Mrs.S.Kalpana, presently Assistant professor of Law, VelTech Rangarajan Dr. Sagunthala R & D Institute of Science and Technology, Avadi. Formerly Assistant professor of Law, Vels University in the year 2019 to 2020, Worked as Guest Faculty, Chennai Dr. Ambedkar Law College, Pudupakkam. Published one book. Published 8 Articles in various reputed Law Journals. Conducted 1 Moot court competition and participated in nearly 80 National and International seminars and webinars conducted on various subjects of Law. Did ML in Criminal Law and Criminal Justice Administration. 10 paper presentations in various National and International seminars. Attended more than 10 FDP programs. Ph.D. in Law pursuing.



Avinash Kumar



Avinash Kumar has completed his Ph.D. in International Investment Law from the Dept. of Law & Governance, Central University of South Bihar. His research work is on "International Investment Agreement and State's right to regulate Foreign Investment." He qualified UGC-NET and has been selected for the prestigious ICSSR Doctoral Fellowship. He is an alumnus of the Faculty of Law, University of Delhi. Formerly he has been elected as Students Union President of Law Centre-1, University of Delhi. Moreover, he completed his LL.M. from the University of Delhi (2014-16), dissertation on "Cross-border Merger & Acquisition"; LL.B. from the University of Delhi (2011-14), and B.A. (Hons.) from Maharaja Agrasen College, University of Delhi. He has also obtained P.G. Diploma in IPR from the Indian Society of International Law, New Delhi. He has qualified UGC - NET examination and has been awarded ICSSR - Doctoral Fellowship. He has published six-plus articles and presented 9 plus papers in national and international seminars/conferences. He participated in several workshops on research methodology and teaching and learning.

ABOUT US

INTERNATIONAL JOURNAL FOR LEGAL RESEARCH & ANALYSIS
ISSN

2582-6433 is an Online Journal is Monthly, Peer Review, Academic Journal, Published online, that seeks to provide an interactive platform for the publication of Short Articles, Long Articles, Book Review, Case Comments, Research Papers, Essay in the field of Law & Multidisciplinary issue. Our aim is to upgrade the level of interaction and discourse about contemporary issues of law. We are eager to become a highly cited academic publication, through quality contributions from students, academics, professionals from the industry, the bar and the bench. INTERNATIONAL JOURNAL FOR LEGAL RESEARCH & ANALYSIS ISSN 2582-6433 welcomes contributions from all legal branches, as long as the work is original, unpublished and is in consonance with the submission guidelines.

SOCIAL MEDIA AT LAW: A REMEDY TO THE FREEDOM OF EXPRESSION IN A DEMOCRATIC PROCESS

AUTHORED BY- SONIA BALHARA

5th Year, B.A.LLB (Hons.)

Abstract

The Freedom of Expression and Technology in the delivery of legal judgment and jurisprudence have been a concern to the users of social media in expressing their rights to speech in a democratic process. Thus, the Freedom of Information Act is an adoption of the Universal Declaration of Human Rights (UDHR) by the United Nations Organization. This paper intends to look at the use of Information Communication Technology (ICT) in the process of judicial adjudication to comments made on social media to obtain justice and equitable remedy to crimes committed online. Furthermore, the paper will also examine the strategies of ICT which can have an impact on the freedom of expression without infringing the rights of an individual as well the government policies when it is being discussed or highlighted in social media such as a blog, Twitter, Facebook, etc. There is a gap or cavity in law where most legal minds (lawyers) do not use ICT (even though it has become a compulsory core course in the training of law students) when it comes to jurisprudential issues such as judgment. There is a need to create awareness of the significance of ICT to the judiciary and other para-legal services within the Ministry of Justice as it affects the entire society. We, therefore, recommend there should be a synergy between the ICT expert and the legal expert before they can pass their judgment in a developing economy. Developing countries need to be proactive and address access from a human rights perspective, the price of not doing so will still progress and further exacerbate the development gap and inequalities in these countries.

Keywords: Social Media, Freedom of Expression, Information and Communication Technology (ICT), Judiciary, and Democratic Process.

Introduction

Freedom of Expression on social media is a fundamental freedom right. Due to internet privacy, it is essential to our freedom to communicate and associate, but information on individuals' Twitter, and Facebook that relates to crimes can be used to adjudicate the person of his or her wrongful act. Technology plays an important role in social development and justice delivery, and the application of technology for development and social change agenda is very important. The right to freedom of expression is a pillar of the democratic process which is provided under Article 19 of the International Covenant on Civil and Political Rights (ICCPR) of 1976¹. The Freedom of Expression is provided under Article 19 of the Universal Declaration of Human Rights (UDHR) of 1948² which is a clear indication that freedom of expression is viewed internationally as a fundamental right and a condition precedent in any democracy. Furthermore, it is usually accepted that freedom of expression creates a marketplace of ideas and ensures individual development and self-fulfilment³. The Internet and Social media have become increasingly important in a democratic process. They are important to human rights defendants everywhere. However, the use of this new ICT to assert old freedoms has been met with repression by some governments in authority. In this paper, there is the need to examine a lot of challenges that social media and law represent in our judiciary. Thus there is the need to ensure better protection of personal integrity in social media; the right to freedom of expression shall not be compromised. It analyses and adopts a broad approach to freedom of expression by covering social media freedom.

Conceptual Framework

In a democracy, people listen to and tolerate opinions with which they disagree⁴. Freedom of Expression ensures that governments are unable to abuse democratic or fundamental rights. Democracy would be defined as 'rule by the people, which he interprets as ... all citizens shall participate on an equal basis in public decision-making on vital aspects of common affairs, including social life, the economy, morality, and education⁵. Democracy does correlate with prosperity. Democracies without market economies are not prosperous, though they do seem to be somewhat more so than non-democracies with similar economic policies. Economic policies

¹ Article 19 of ICCPR 1966

² Article 19 of UDHR 1948

³ Abrams V United States 1919US 250,616, Clayton and Tomlinson Privacy and Freedom of Expression; Curie

⁴ S V Makwanyane (1995) 3 SA.391 (CC) Para 262

⁵ Du Toitt (1993) Suid Afrikaan.pg 5.

and the integrity of the legal system are much more significant. Democracy creates an enabling environment for the maximum enjoyment, security, and enforcement of the human rights of the citizens. A constitution can only be properly operated under a democratic government. It is important to state that the rights contained in a constitution can only be properly enforced under a democratic government.

The essence of democracy is that all citizens have a right to participate in decision-making. According to Coetzee and Le Roux, they agree that democracy can be regarded as a system of government in which the ruling power of the state is legally vested in the people, the government of the people, by the people, and for the people⁶. Without strong policies to foster linguistic diversity in all aspects of governance, administration, law and the media, we are denying the citizens the right to engage in basic public life and debate. ICT advances, for example, the use of the internet all social media to reach more people in different places, all internet users to share their opinions more readily, and allow information to flow across borders. Social media has its problems as well as gains. This new concept leaves us with a lot of new challenges. However, it is important to ensure that Internet regulations do not infringe on freedom of expression.

Social Media and Law Enforcement

The expansion of social media has enabled the ubiquitous exchange of information in various sectors of the world. This trend of the use of social media has not spared the legal sector. People use social media platforms such as Facebook, Twitter, Instagram, and YouTube to disseminate legal information. Social media exudes a positive impact on law enforcement. Firstly, many law firms have used such social media platforms to market themselves to create an awareness of the legal services they offer to the general public.

Secondly, social media is being used in solving crime. For instance, by interacting with the users of social media, crime investigators can get an insight into how crimes are being committed locally and globally. Furthermore, it is also possible to track criminal activities that are committed online by monitoring what users post on a social media platform.

Thirdly, another benefit of social media is that it can be used to track people who have been kidnapped or even those who are missing. This is so that an investigator can analyse the comments

⁶ Coetzee and Le Roux (1998) Tydskrif Ur Chrssteuke Wetenskap pg.5

posted by friends on Facebook, Instagram, and other social media platforms.

Fourthly, social media can be used as a portal to disseminate security and safety messages so that people are aware of the potential risks in their community. A social community web portal can be created to facilitate the interaction between the local community residents and the police. For instance, alert and warning messages about rampant crimes in a particular community can be broadcast on the community-oriented policing portal. However, this may be difficult in developing economies where the use of ICT is very limited to rural communities and lack internet facilities, unlike developed economies where information is key to every citizen.

Fifthly, social media can be used as an intelligence-gathering tool as some criminals tend to brag about their criminal activities. This therefore becomes a source of evidence for investigators as the law enforcement agencies collaborate online to crack down on the crime.

Social Media and Human Rights

Social media is being extensively used to promote human rights and freedom of expression in the world. This is so because social media offers many benefits to the general public. The right to freedom of expression is usually regarded as a fundamental human right for most of the democratic societies. Social media, therefore, provides a public platform for people to exercise their freedom of speech. This entails that the technology of social media can be used to promote democracy and human rights by providing communication channels and infrastructure among citizens. For illustration, literature has shown that social media tools such as Facebook and WhatsApp have been used by the citizenry to express their views about politics by organising protests. There is a surfeit of roles which social media can play in advancing activism such as attacking and pondering unjust ideologies organising and conscripting a network of activists, for a course of action to take. It is soothing, for example, to note that a good use of social media can expose corruption and other vices thereby promoting accountability and transparency of the services by the government and the private sector. Furthermore, social media has been shown to bring people together from diverse backgrounds such as religiosity, ethnicity, values, beliefs and political affiliations. Such environments provide infrastructure for the omnipresent exchange of various forms of information and knowledge. The continued uses of social media tools enable social interactions of people even though they may be separated by distance and time. This is possible due to dynamic advancements in technology that consequently transform the social and

economic aspects of the citizenry. Human rights are rights one has simply because one is a human being⁷. Human rights are those liberties, immunities and benefits which are accepted by contemporary values that all human beings should be able to claim as of right.

Despite the aforementioned benefits, it is noteworthy to highlight various challenges and abuses that come with the usage of social media about human rights and freedom of expression. To protect users of social media, security measures are implemented. However, the challenge is to make sure that the security control and internet regulation should not muzzle the freedom of expression. Much as many people enjoy social networking, users must be aware of some threats online. Major social media attacks are spamming, social engineering, application and widgets; and content threats. Spamming involves the sending of unbidden and irrelevant messages to the recipient. With social engineering, some people masquerade or hide people's identities to trick others into revealing their identities.

The stolen information may be used even for financial gains. The fear that their sensitive information may be stolen compromises the freedom of expression. In addition, people minimise the use of the internet in fear that their electronic gadgets may be infected with malicious code usually called viruses. It is crucial to note that some requirements need to be met if social media can effectively promote human rights and freedom of speech.

- Firstly, social media should be able to operate in a free environment that is not usually controlled by the state. The institutional media need to be protected by international standards, laws and acts on freedom of expression.
- Secondly, the media need to be free from political, social and economic interference by the state.
- Thirdly, there must be a diversity of media which should be accessible to the society. This means that society should have access to a variety of media, content and platforms to evade a monopoly of information by one single group of groups.
- Finally, most importantly, there must be equitable access to a diversity of issues raised by the government for the public interest.

⁷ "Democracy and the Protection of Human Rights", International Journal of Social Sciences, Vol 5 No.4, 2012, pg 59.

Social Media and Application of Law

The right to privacy is protected by Article 8 of the European Convention on Human Rights. UK law also protects the privacy of individuals from the state and other private individuals on social media. However, there are several exceptions to these rules that allow intervention if breaching your privacy is deemed necessary to society, such as when certain policing operations are concerned. In recent times, everyone has been a member of social networking. Whether it's our children on MySpace and Facebook or our colleagues on LinkedIn, people are taking advantage of these new online meeting spaces to make friends, communicate and engage in business opportunities.

Social networking users don't enjoy any of the immunities granted to social networking sites under the law, so they should be careful to always act appropriately when posting messages or files to the sites. In some jurisdictions like Nigeria, the use of social media to communicate and express an opinion is a freedom of expression and is protected under Chapter IV which deals with fundamental human rights⁸. However, in South Africa, the constitution gives SAHRC (South African Human Rights Commission) as an institution the task of monitoring the attainment of human rights⁹. The commission is aware of the rising levels of hate speech being disseminated on social media¹⁰. Thus, the use of social media like Facebook and Twitter is imparting social cohesion as a constitutional mandate for the development of a culture of respect for human rights in a democratic process instead of abuse or misuse of social media.

The main areas where users can get themselves into trouble are through the posting of defamatory content or content that infringes on intellectual property rights. Since no statutory immunities exist to shield users, the standard laws about defamation and infringement apply.

Barriers to Freedom of Expression

Article 10 protects your right to hold your own opinions and to express them freely without government interference¹¹. This includes the right to express your views aloud (for example through public protest and demonstrations) or through published articles, books or leaflets,

⁸ S.36 of the Constitution of the Federal Republic of Nigeria Law of Federation, 2004.

⁹ Chapter 9 of the South Africa Constitution 1996.

¹⁰ The Public Sector Manager, March 2018,22.

¹¹ European Convention on Human Rights protects your right to hold your own opinion and to express them freely without government interference.

television or radio broadcasting, works of art, and, the internet and social media. The law also protects your freedom to receive information from other people by, for example, being part of an audience or reading a magazine. However, you have freedom of expression; you also must behave responsibly and respect other people's rights.

The government authorities may restrict this right if they can show that their action is lawful, necessary and proportionate to: protect national security, territorial integrity (the borders of the state) or public safety, prevent disorder or crime, protect health or morals, protect the rights and reputations of other people, prevent the disclosure of information received in confidence, and maintain the authority and impartiality of judges¹².

The government may be allowed to restrict your freedom of expression if, for example, you express views that encourage racial or religious hatred or hate speech. However, the relevant government authority must show that the restriction is 'proportionate', in other words, it is appropriate and no more than necessary to address the issue concerned. In South Africa, section 7(3) in the Bill of Rights tries to limit it under section 36 of the same Act in terms of law of general application to the extent that the limitation is reasonable in an open and democratic society based on human dignity, equality, and freedom¹³. From the above limitation clause, this might affect section 16 of the constitution which deals with the right to freedom of expression. In *Print Media South Africa & Anor v Minister of Home Affairs & Anor*¹⁴, the court held that the right to freedom of expression embraces the liberty to express and receive information or ideas freely, and to form one's opinion about these; in this way, it both promotes and protects the moral agency of individuals. It further held that the limitation of the right of freedom of expression by the impugned provisions of Act 65 of 1996 was not justifiable.

In criminal proceedings or adjudication of cases, where an accused or suspect is being tried based on the information acquired from his social media post or internet will his or her right to privacy be infringed? The jurisprudence in freedom of expression and the prevention of crime does not affect useful information which may aid the court or the judge in the adjudication of justice. It is also important to state that once public interest is involved, the right of the user of an internet

¹² UNESCO: Building peace in the minds of men and women: Freedom of Expression. A Fundamental human right underpinning civil liberties. See also UN General Assembly. (2016). Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, UN Doc. A/71/373, 55

¹³ Constitution of the Republic of South Africa, 1996.

¹⁴ 2012(6) SA 445 (CC)

source or social media will be prosecuted and violated, even though he or she is expressing his opinion.

International Law and Freedom of Expression

In international law, the freedom to express one's opinions and ideas is considered essential at both an individual level, so far as it provides the full development of a person, and is a basic rock of a democratic society. The Universal Declaration of Human Rights (UDHR), pronounced by the United Nations General Assembly in 1948 in the post-second world war, expressed an obligation by the world to promote and observe a full set of fundamental human rights. Article 19 of the UDHR protects freedom of opinion and expression in the following terms;

Everyone has the right and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media regardless of frontiers¹⁵.

From the above quote, the international community has been promoting the rights enshrined in the international convention which member states have ratified in their national or regional instruments, but still, expressions made by individuals or groups of persons in social media are subjects of debate. This action hinders the trends of democracy and the rule of law where every citizen is allowed to express his opinion without being victimisation or detained by the government in power through their agents. It is important to state the rights contained in UDHR as well as the right of opinion and freedom of expression are protected by the legal instruments of international treaties regional human rights law and domestic human rights law stated therein.

Freedom of expression is the foundation of democracy. Freedom of expression and information are pillars of a healthy democratic society and for social and economic growth, allowing for the free flow of ideas necessary for innovation and bolstering accountability and transparency. Through social media, most events and policies of the government are in the domain of the public interest. Thus, democracy will only work and produce decisions that are in the public interest if all stakeholders and members of the society can contribute not only in the decision-making process but also in the decision-making processes through their voices in social media.

¹⁵ Article 2 (b) Canadian charter of rights and of a freedoms, 1982; Article 10 of European convention for the protection of human rights and fundamental freedom, 1953; see also Article 9 of the African charter of human and people's rights 1981; see Section 7(1) of the Constitution of the Republic of South Africa, 1996. See also Canada. (1982). Canadian charter of a rights and freedoms, article 2(b). Retrieved from: <http://lawslois.justice.gc.ca/eng/Const/page-15.html> accessed on 4 April 2018

The Application of Information Technology in Combating Crime

The spread of crime in the world has not spared any country. This in turn created more the potential for people to commit crimes. Fortunately, ICTs have proven to help in the fight against crime in developed and developing countries. For example, telephone interviews can be used in the investigation of criminal activity. It is a known fact that computers have been used to capture, store, analyze and interpret information during criminal investigations. Database information about people helps in keeping records and tracking suspected criminals online. Literature shows that ICT can be used for legal diagnostic purposes¹⁶. Not surprising also to note computers have been shown to assist legal professionals in passing judgements thereby speeding up the provision of legal services¹⁷.

Mobile phones are widely used for collecting crime scene information that may later be passed on to another police facility for evidence analysis. The use of portable mobile devices has accelerated the capture of perpetrators at the scene of the crime. Electronic mail is used for encrypted exchange messages between criminalists. There are cases where a secure website was used to exchange information about a missing person for international cooperation. It is important to note that even radios were used to spread information about crimes inside the local community. In addition, Global Positioning Satellite (GPS) technology has been demonstrated. They can be, for example, mobile phone users easily tracked using the cell tower triangulation technique. Some GPS devices can be fitted to suspects to track their movements. In addition, a geographic information system (GIS) can be used to store information that can later be used to track suspects.

Despite the aforementioned use of ICT in the legal fraternity, several crimes are committed online. Hackers and fraudsters try to gain access to computers to steal sensitive personal information such as passwords, credit card information, etc. Using this information, hackers can use a credit card to make online purchases. This results in what is called financial fraud.

Challenges of social media and law

ICT including social media has been known as a platform to assist in executing court cases¹⁸. However, many challenges can be attributed to the use of social media in law. This section

¹⁶ Capper, P. and Susskind, R. (1988) Latent Damage Act, London: Butterworths.

¹⁷ Bennun, M. (1991) Computers in court: The irreplaceable judge, in Narayanan and Bennun (1991).

¹⁸ Lowery, J. (2013), Corrections between ICT and records policy integration and court case management system functionality: East African case studies, Records management Journal, 23 (1), 51-60.

endeavours to outline the challenges that are encountered by both legal practitioners and their clients when using social media in an attempt to seek fair justice. Even though ICTs are being integrated into the curriculum of law, there is a dearth of skills in ICTs among legal professionals. With the advancement of technology, some legal cases require a clear understanding of ICTs. It is a known fact that the lack of knowledge may have an impact on the verdict of a court case. Despite the ubiquitous use of social media, many developing countries lack ICT infrastructure to sustain the new technologies¹⁹. This consequently contributes to the limited access to the internet. As a result, lawyers and clients encounter problems in accessing legal information on the internet. The limited access to the internet is compounded by the insufficient supply of electricity in resource-poor settings²⁰. Furthermore, low access to ICT gadgets has an impact on the access to legal information by legal professionals.

It is also a known fact that inadequate funding has contributed to poor implementation of ICT initiatives in developing countries²¹. Unfortunately, this has led to low access to ICT services by both lawyers and clients. This inadequate funding has partly emanated from the lack of political will. This is because the government usually allocates low funds to the deployment of ICT infrastructure and other initiatives. Low ICT literate levels among lawyers and clients subsequently result in poor record management of legal cases²². This is so because ICT has proven to accelerate the speed and ubiquity of processing, storing and sharing of legal information in the legal sector. Therefore, a lack of ICT skills may lead to poor delivery of legal services. Furthermore, though ICT has been incorporated into the law curriculum, there is still resistance to change among legal practitioners²³. Therefore, it is of paramount importance to double the effort in training the legal practitioners and the clients at large²⁴.

Another challenge that the legal profession faces is the lack of trust by clients in legal practitioners²⁵. Additionally, with the advent of social media where many topics can be freely

¹⁹ Gichoya, D.(2005), Factors affecting the successful implementation of ICT projects in government, the Electronic Journal of e-government, 3 (4), 175-184.

²⁰ Doli, C. N & Pachauri, S (2010), Estimating rural populations without access to electricity in developing countries through night-time light satellite imagery, Energy Policy, 38 (10), 5661-5670.

²¹ Basu, S. (2004), E-government and developing countries: An Overview, International Review of Law, Computers & Technology, 18 (1), 109-132.

²² Asogwa, B.E, (2012), The challenges of managing electronic records in developing countries: Implications for records managers in sub Saharan Africa, Records management Journal, 22 (3), 198-211.

²³ Kiskis, M.P, Rimantas; (2004), ICT adoption in the judiciary: classifying of judicial information, International Review of Law, Computers & Technology, 18 (1), (1), 37-45.

²⁴ Fabri, M & Contini, F.(2001), Justice and technology in Europe: How ICT is changing the judicial business: Kluwer Law International.

²⁵ Buchanan, J.C. (1993), The Demise of Legal Professionalism: Accepting Responsibility and Implementing Change, Val. UL Rev., 28, 563.

and ubiquitously discussed, clients are worried about the security, privacy, and confidentiality of their sensitive information. This threat is being compounded by the increase in cybercrime on the web. Cybercrimes include theft of sensitive personal information on the web, access to unauthorized information on the web, and distribution of malicious code that may ultimately cause harm to the ICT gadgets thereby leading to the loss of vital information²⁶.

The Judges and Social Media in Adjudication

Social media has been used as a way of bringing forceful, on occasion overwhelming, stress to undergo on an individual or a commercial enterprise or a political celebration against which it's miles directed. School youngsters frequently file bullying on social media. it's miles in particular in developed economies wherein ICT is taught early in colleges. However, their counterparts in growing economies mainly rural dwellers or villages no longer recognise or have get right of entry to social media to log a complaint besides their educated mother and father or guardians as the case can be. Social media can be used, properly, as a way of making a sense of strain on a person to conform to the placement it advocates. Judges aren't allowed to apply social media in developing economies like Nigeria due to professional ethics and code of conduct. but, different jurisdictions like Australia and the USA may additionally permit it to the volume that it's miles his very own non-public use for conversation together with Facebook. but, where a sitting choose has a communique on Facebook with a lawyer or legal professional who seems earlier than him or her in their respective courts or litigants, it'll preclude first-rate justice and it isn't always allowed for fairness, justice, and independence of the judiciary.

Conclusion

Freedom of expression is a basic human right that must be protected in democratic institutions. Thus, there is a worrying worldwide trend of governments unjustifiably restricting freedom of speech, aimed at social media users and individuals who use the internet to express themselves their opinions or communicate with the world about government policy. Moreover, in Western democracies, laws are used to regulate and restrict activities that threaten the freedom of the press and freedom of speech as part of citizens' rights. Civil societies and NGOs around the world must be vigilant in defending free speech. This is the basis for improving people's lives and the formation and preservation of healthy, sound democratic principles in our societies.

²⁶ Broadhurst, R. (2006), Developments in the global law enforcement of cyber-crime Policing: An International Journal of Police Strategies & Management, 29 (3), 408-433.