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Press Freedom and National Security: The Place of Human Rights in Nigeria's Cybercrime Laws

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Abstract. The study addresses the nexus of press, national security and human rights as found in Cybercrime (Mediation, Prevention, etc.) Law 2015, Nigeria. It delves into the experiences of Nigerian law against cybercrimes like cyberstalking, identity theft and online terrorism on freedom of expression and work of journalists. Even though the government justified the Act as a vital way to fight cyber terrorism and protect national security, critics have suggested its broad and vague provisions have been weaponized as one mechanism for the press freedoms and democracy rights. The research avertedly points out some provisions of the law, foremost among which one is section 24 of the Cybercrime (Mediation, Prevention, etc.) Law 2015, which talks about cyberstalking which can be used most by journalists/bloggers/activists who dare criticize government policy or expose corruption. It further examines the duty of courts, activists and international human rights norms in securing press freedom as well a reasonable response to genuine security concerns. Through a comparative study of Nigerian practices with other countries on the continent, including South Africa and Kenya, the research finds best practice in reconciling national security with press freedom. The study concludes by suggesting legislative reforms; judicial review of the discretion of police officers and an active civil society to ensure that cybercrime laws of Nigeria heed international human rights obligations whilst balancing press freedom in the digital age.

Keywords: Cybercrime, cyberstalking, online terrorism, press fredom

1. Introduction

The equilibrium between freedom of the press and national security has forever been the object of worldwide policy and legal discussion, more so in the era of the internet, where cybersecurity has been exploited by governments as the reason for the regulation of online expression (Antai, 2024). In Nigeria, the passing into law of the Cybercrime (Prohibition, Prevention, etc.) Act, 2015, was the biggest progression in the nation's regulatory policy toward tackling cyber-based crimes. Even though the law was mainly reserved for the prosecution of fraud-based cybercrimes like identity fraud and cyberterrorism, the application has raised fundamental concerns regarding what it portends for freedom of the press and human rights protection (Antai, 2024). Criminalization of expression on the Internet by using laws amounting to cyberstalking, doctored information, and online intimidation has attracted criticism for government intrusiveness and silencing critical voices like journalists, bloggers, and civil society activists.

Freedom of the media constitutes one of the fundamental norms of democratic government institutionalized in the Nigerian Constitution and reaffirmed by other international human rights charters, including the Universal Declaration on Human Rights (UDHR), International Covenant on Civil and Political Rights (ICCPR), and the African Charter on Human and Peoples' Rights, which ensures freedom of the media operatives and journalists to report and inquire

about issues without undue hindrance and to disseminate information which are critical in fostering government accountability, transparency and engagement by the citizens in a democratic government (Budiyanto et al., 2024; Ikubanni et al., 2024). Nevertheless, in light of the new threats facing the nation such as cyberterrorism, disinformation and hate speech, the Nigerian government has found itself heavily reliant on repressive cybercrime laws to police the web content in the interest of national security (Edet et al, 2022). That has created the worry that the law has been utilized as a weapon for silencing opposition voices rather than combatting actual cyber threats.

An overriding issue of concern is the extent to which the cybercrime law of Nigeria squares with the international human rights law obligations of the state (Haruna et al., 2024; Ekpenisi et al., 2024). Proportionality of the limitation of freedom of expression is an established legal principle of human rights theory that requires that the limitation by the state is necessary, narrow, and not excessive. There have been numerous cases, however, of the arbitrary arrest and prosecution of journalists and activists under the Cybercrime Act for sharing critical news regarding government activities. Vagueness and generalised terms in clauses such as Section 24 on cyberstalking have been criticised as being politically inspired and open-ended. Consequently, there has been argument as to if the Act in the manner that has been published maintains the balance between combatting cyber threats and the protection of core freedom rights.

Aside from the law, the convergence between media freedom and national security in Nigeria reflects overall socio-political reality between government and the freedom of the media and the civic space. Political communication has been amplified by the presence of digital spaces, and government efforts towards regulating the online sphere have translated into repressive measures such as banning spaces on the social media, shutting down the internet, and increasing surveillance practices being employed as instruments of information control (Eboibi, 2018). The challenge is therefore how the constitutional and institutional framework evolves in order to balance the protection of national security and human rights without unnecessarily curtailing democratic freedom. Comparative lessons from other states and from the African continent in general provide useful lessons on the manner in which the competing interests are balanced by the state in ways that respect human rights norms. This research work critically examines the cybercrime law in Nigeria and the implications thereof on the freedom of the press and the balancing act between human rights protection and national security (Safi' et al., 2024; Mukhlis et al., 2024). It also seeks to critically assess the justification for the current regulatory framework, review the human rights impacts of the application of cybercrime law and suggest law and policy recommendations towards the achievement of the balanced approach. Utilising the doctrinal research approach, the work will critically analyse the statutory provisions, the decisions of the courts and the international best practice towards determining the alignment or otherwise of the Nigerian cybercrime law with international norms on human rights. The work will contribute to the literature on digital rights, the freedom of the press and national security and provide practical input towards the reforming the law and the media campaign in Nigeria.

2. Conceptual and Theoretical Framework

Apart from press freedom and human rights, national security are key constituents of the legal provisions on cybercrime in Nigeria. Press freedom is defined as the liberty of journalists, media professionals and citizens to disseminate information or ideas without censorship or interference. Press freedom is a pillar for fostering of democratic government; it makes possible transparency, accountability and participation by citizens (Antai et al, 2024). Under the 1999 Constitution of the Federal Republic of Nigeria (as amended), there includes a right to information and freedom of expression among others. Section 39 of the Constitution guarantees of this fundamental right. Moreover, international documents such as the Universal Declaration of Human Rights (UDHR) and the International Covenant on Civil and Political Rights (ICCPR) protect the natural right to press freedom. However, the right is not absolute and may be curtailed where enjoyment of such right is likely to cause harm to public order, morality or the national security.

National security, on the other hand, are the policies and actions taken worldwide by governments to protect the sovereignty, territorial sovereignty/regularity of its citizens from both internal and external threats (Mutawalli et al., 2024). Today, in the age of internet and cybersecurity which is inextricably linked to national security, various governments have enacted cybercrime legislations to counter those threats such as cyberterrorism, cyberfraud, mis-information and cyberespionage. These interventions are usually being rationalized as need-your-stability-and-or-some-compromise-of-security-out-of-the-way types, but at the same time might well be an instrument in whose name arbitrary

state control is then exercised infringing fundamental rights and freedoms (Kisubi et al, 2024). The Cybercrime (Prohibition, Prevention etc) Act, 2015 was enacted to control cybercrime in Nigeria but pros and cons had been widely debated over various provisions used, especially those relating to cyberstalking, hate speech, fake news. Application of the law against journalists, bloggers, and activists has reinforced the apprehension that national security is being used as a tool in order to muzzle the media and shrink civic space (Aidonojie et al, 2024).

Human rights as a global norm and a moral principle provides the benchmark against which domestic legislation on national security, including cybercrime law, must be measured. Human rights law's 'Proportionality Principle' provides that any restriction on the enjoyment of basic rights like freedom of the press must be necessary, lawful, and proportionate to the legitimate purpose being pursued (Nwabueze, 1999). Nigeria's ratification into international law by the African Charter on the Human and Peoples' Rights rearticulates the principle by avowing that states must ensure that the restrictions on rights should not weaken the essential object. The tension between the interest of the state in national security and protection of human rights raises basic questions regarding whether Nigeria's cybercrime law accords with these international norms or if the law itself constitutes repressive means (Antai, 2024).

This study takes theoretical inspiration from three political and legal theories. Firstly, the *Liberal Democratic Theory,* which highlights the significance of freedom of the press as being one of the inherent rights necessary for the operation of democratic states. It assumes that the free press is the watchdog that keeps the government from becoming excessive and that the same is necessary for an informed citizenry. From the view of this theory, laws that unnecessarily restrict the freedom of the press are undemocratic and should be subject to strict judicial and parliamentary review (Osibanjo & Fogan, 1991). Secondly, the National Security Doctrine presents the other view where the necessity of states adopting strict measures towards safeguarding national interests even if that involves restricting certain rights is highlighted. Proponents of this theory assume that the threats presented by the cyber world require strict legal regimes to manage the net and neutralize the rising threats to security (Aidonojie, 2023; Aidonojie et al., 2022). Critics argue that national security is being used as an excuse to justify the abuse of human rights and thus create a "securitization" of the law that disproportionately targets political opposition members, journalists, and activists (Anifowose et al, 2024).

The third theoretical framework applicable includes the Human Rights-Based Approach (HRBA) that prioritizes the balance between the demand for security and the protection of basic freedoms. According to this theory, the limitation that is reasonable in the national interest for the purpose of national security should also meet international human rights standards and not be applied arbitrarily. The approach encourages strict judicial review, reform through the law-making process, and adherence to international human rights treaties in order to prevent abuse of the law of cybercrime (Aidonojie et al., 2021; Aidonojie & Victoria, 2022). The application of the approach to the Nigerian case sheds light on the gap in the Nigerian law on cybercrime, that on the overly wide and vague provisions that facilitate selective application against opposition voices (Ogunwole, 2015). This study in investigating the conflict between press freedom, national security, and human rights in the Nigerian cybercrime law will adopt these theoretical foundations to critically examine the degree that the constitutional framework regulating online expression is compliant with democratic ideals. It will also examine the manners that international best practice must inform constitutional reforms to ensure that cybersecurity measures are not used as tools of suppression of fundamental rights. It will make contributions to ongoing debates on law and policy by offering insights on the manners that Nigeria can develop a balanced system that effectively counters cyber threats without encroaching on the constitutional and international commitment to the safeguard of press freedom and human rights.

3. Literature review

The argument around freedom of the press, national security, and human rights in the cybercrime legislations has garnered considerable scholarly attention, where the views are divided on the degree to which national security concerns are adequate reasons for the restriction of online speech. For example, Obebe (2017) believes that freedom of the press is essential for democratic governance since it provides transparency, public accountability, and an enlightened citizenry. He maintains that any legislation for the regulation of the press has to meet international and constitutional standards of human rights. However, in Nigeria, the application of the Cybercrime (Prohibition, Prevention, etc.) Act, 2015, is of concern regarding the possibility that the law can muffle free speech, particularly on the internet. That the law does so receives affirmation from Lawal-Arowolo (2021), who indicates that the law against cybercrime has disproportionately been applied

against journalists, bloggers, and critics who are activists. In his narrative, there are cases where one is arrested and taken to court for the posting of critical opinions online, an inference that the law is being employed as tool of oppression instead of being used as a tool for the prevention of cybercrime.

Other experts are more security-conscious in the sense that they demand the need to take charge of the online platforms so that cyberterrorism, hate speech, and disinformation are maintained at zero levels. For Adetayo (2021), the online platforms have proved themselves as effective mediums for disinformation that will lead to violence, complicate national security, and destroy the public's confidence in institutions. In his opinion, if no strict legal intervention was made, the cyberspace would become the weapon that would fight the state and the strict provisions of the Cybercrime Act would become necessary. Ekpenisi et al (2024) noted that cybersecurity law performs the critical function that inhibits digital threats that have the potential of sabotaging national governance institutions. They, nonetheless, admit that the catch is that the law must not cross the line by criminalizing genuine dissent and investigative journalism.

There exists growing scholarship that has examined the nexus between human rights and the law of cybersecurity, the doctrine of proportionality in limiting freedom of expression being one. According to Akpanke et al (2022), any limitation on the freedom of the press on the pretext of national security has to be necessary, lawful, and proportionate. They criticize loose and imprecise wordings in certain provisions within the Nigerian Act on Cybercrime, notably the ones on cyberstalking and giving out false information, which in his view open up avenues for the arbitrariness in the enforcement and application thereof. Okeke (2022) writes about the manner in which international instruments for human rights, the African Charter on Human and Peoples' Rights and the Universal Declaration on Human Rights being two examples thereof, and the International Covenant on the Right to Civil and Political Rights shield against the misuses of the law on cybersecurity. He makes the observation that despite Nigeria having acceded to the aforementioned treaties, the domestic juridical order does not necessarily give expression to the ideals found within these international instruments. In light of the large volume of scholarship on cybercrime law and the freedom of the press, there are still gaps in the literature (Aidonojie et al., 2020; Aidonojie & Francis, 2022). First, whereas numerous accounts have chronicled the problems created by Nigeria's Cybercrime Act, empirical work evaluating the direct effects of the law on journalists and the media are few. Most analyses are theoretical ones, and few case analyses demonstrate the frequency at which the law has been deployed to stifle the freedom of the press. Secondly, whereas researchers have engaged in the lawfulness or otherwise of cybersecurity and the freedom of the press, there is little discussion about possible legal and policy changes that would harmonize national security interests and the protection of human rights. Little is said about the manner in which the balance between the two could be obtained. Thirdly, comparative reviews involving other jurisdictions are few. Whereas certain studies refer allusively to international human rights instruments, systematic comparative analyses on the manner in which other countries, notably in Africa, have tackled the problem of regulating the cyber activities while protecting the freedom of the press are few. Filling the gaps will give better insight into the manner in which Nigeria's cybercrime law infringes on the freedom of the press and human rights and provide tangible recommendations for policy and law changes (Aidonojie et al, 2024).

4. Legal Framework on Press Freedom and National Security in Nigeria

Nigeria's national freedom of the press and national security law draws lessons from national constitutional provisions and international law upholding the intrinsic right to freedom of expression. Freedom of the press as provided for in section 39 of the Constitution of Nigeria 1999 (as amended) guarantees no question. It states that all persons have the freedom to expression and hold opinions, the right to receive and communicate ideas with full freedom without interference by the state MPs system media enterprises. The constitutional provision recognizes the importance of the free press in democratic society and the contribution the free press makes towards transparency, government accountability and access by the public to information (Aidonojie et al, 2024). There does exist recognition by the same constitution of the limitations on the freedom of the press in the public interest in national security, public order, and morality. These have been the pretext for the passing into law and policy of the legislation regulating the operation of the media and curtailing the operation of the digital and conventional presses.

At the international level Nigeria has acceded to various treaties and conventions which protect freedom of expression. Universal Declaration of Human Rights (1948), Article 19 [everyone has the right to freedom of opinion and expression] including the freedom to seek, receive and impart information via any media and regardless of frontiers. Although, non-binding, the provisions of the UDHR shaped

international norms on human rights and subsequently enacted into law, notably by way of example: in its various provisions by the International Covenant on Civil and Political Rights [1966]. Article 19 repeats the UDHR on freedom of expression, whereby it is subject to the condition that it may be restricted only in cases of national security, public order or morals. These limitations must, however, be proportionate and must not unduly stifle journalistic practice or free speech (Antai, 2024). The African Charter on Human and Peoples' Rights adopted in 1981 and domesticated into Nigerian law provides under Article 9 that any person is entitled to receive information and hold and disseminate opinion subject to the laws. This is yet another regional document which just lays down on the table, Nigeria's commitment to freedom of press under international law and subject to law against arbitrariness in censorship of the media by any limitation declared acceptable by any laws in accordance to protect against it, but international and constitutional safeguards have not quenched the thirst for national security which sought to increase government control over the media, media sovereignty masking under the cover name of freedom (Aidonojie et al, 2024).

Aside these international and constitutional safeguards, national security has justified state hegemony over the media by claiming state security in the form of suppressing freedom of journalists. The National Broadcasting Commission Act is the main regulator for broadcast services in Nigeria. The NBC has been described as holding an enormous amount of power to license, monitor and fine broadcast stations because it miseducated and has been unfairly utilised in terms of how they have been made to suit politically driven fervour. A few stations have also had licenses revoked or been struck off for programmes that are contradicted by government accounts of events. Likewise, de-regulatory powers in Nigeria are conferred upon the Nigerian Communications Act that conferred them to the Nigerian Communications Commission (NCC) to regulate telecommunications which include Internet service providers. The NCC is accused of a periodic role in blocking online media access, and online platforms or services that are spoiling a website, which the government wants with digital freedom of the press. These regulatory frameworks illustrate the challenges of balancing national interest in security versus the protection of baseline human rights in the digital era (Majekodunmi et al, 2024).

Finally, under the law in Nigeria, both in the realm of national security and freedom of the press, there seem to be a bit of collage for its governance, with laws and regulations being constantly enforced over varied timescales that do not fit within constitutional and international guarantees. National security is a valid interest, yet the expansive interpretation and enforcement of limiting legislation have resulted in censorship of the media, detention without charge of journalists, and contraction in the room for independent journalism. These circumstances necessitate the presence of a fairer normative framework that guarantees that steps taken in the interest of security do not transgress the constitutional right to freedom of expression. Legal reform aimed at the inclusion of explicit guarantees against misuses of the regulation of the press and the alignment of national security legislation into Nigeria's international human rights commitments would address this (Izevbuwa et al, 2024).

5. Examination of Nigeria's Cybercrime Laws

Nigeria's Cybercrime (Prohibition, Prevention, etc.) Act, 2015, was signed into law in order to curb the rising threats posed by Internet-based crimes like fraud, stealing of identities, cyberterrorism, and hacking. While the law aimed at increasing national security and protecting citizens from Internet-based threats, the provisions in the law have stirred up alarm among the media and human rights. Some provisions in the Act have been criticized for having been used to stifle critical writing, silence opposition views, and roll back digital rights. Ambiguously worded and sweeping provisions in the law have been misused on multiple occasions by the agents of the state against journalists, bloggers, and activists who publish government abuse or post opposition views on the Internet (Antai, 2024).

Perhaps, the most problematic portion of the Act is Section 24 that makes cyberstalking a crime. Under the said section, the sending by means of electronic communication; "grossly offensive", "indecent", "obscene" or "menacing" communication with the intent of annoying or inconveniencing or criminally intimidating any person has been made punishable. While the purpose behind the provision is the prohibition of online abuse and harassment, the said provision has been faulted on the ground that the terms are ambiguous and open-ended and are subject to selective application and enforcement. Several journalists and bloggers have been arrested and prosecuted using this provision for writing critical posts or tweets about government policy or for revealing corruption. This chill to online expression has made several bloggers and journalists feel the need to self-censor out of fear to be prosecuted with no

definition on what would be termed as "offensive" or "menacing" communication (Kisubi et al, 2024).

Further on cybersonic stalking, the Act contains some provisions against the circulation of false information and hate speech. The fight against misinformation is to be applauded, but the all-encompassing nature of this law invites misuse. Some critics complained that the government militarized the provisions to censor critical voices with an excuse of denying the means of falsehood dissemination (Aidonojie et al, 2024). No guidelines on what is termed as misinformation or even an objective news report have resulted in people being arrested and prosecuted for their politically critical posts. Journalists, too have been more assiduous in their self-censorship to avoid being criminalised at the hands of a prosecution, limiting the very role of media in holding governance accountable.

A major problem raised by the Cybercrime Act is the implications of it for digital privacy and surveillance. The law provides the spy agencies an unbridled power to bug electronic communications, monitor trace data and private information with non-nix adjustment for judicial scrutiny. These provisions have further emboldened the surveillance on journalists, activists and opposition politicians with more fear of curtailing digital rights along with freedom of speech. The possibility of authorities eavesdropping online communication was further magnified through intimidation and threats, which in turn confined the space for independent, unbiased media. Ambiguous assurances of government overreach have also primed fear that national security has been repackaged as the cloak for a top-down authorization of mass surveillance and totalitarian repression (Antai et al, 2024). The arrest and prosecution under Nigeria's cybercrime law have been done on reports from journalists, bloggers and activists on social media. There are many other examples of how the law was use to suppress critics. This includes the arrest of journalist Agba Jalingo in 2019 for publishing a case on misappropriation by Cross River state government funds. The writer, Jalingo spent several months in detention without bail as he was tried under the Cybercrime Act where he had refused to name his sources and published police abuse stories. An example on this also includes the 2018 arrest of investigative journalist Samuel Ogundipe who was arrested for not disclosing his sources when filing an article exposing police bullying (Jufri et al., 2024; Haruna et al., 2024). It shows just a small few ways in which you can be turned into an outlaw for investigating what the government is doing through cybercrime law.

Independent journalists are by no means the only ones to have been caught up in the law, digital news media and civil society that participate in digital activism have been persecuted as well (Aidonojie et al., 2025). National authorities have also, on numerous occasions, ordered the closure of access to news websites that are critical of the government by the internet service providers, and the security agencies have also stormed the office buildings of the media outlets in the guise of investigating cybercrime. Political bloggers and influencers on the social media have also faced growing scrutiny, and most of them have been arrested or driven into exile in order to escape persecution. Overall, the result has been the contraction of civic digital space that hampers the freedom of citizens in engaging in public discourse for fear of being persecuted by the government (Okpong & Antai, 2024). In general terms, while Nigeria's Cybercrime Act came into effect to address genuine cybersecurity issues, the enforcement of the law created serious human rights and freedom-of-press issues. Vagaries in the law's loose and sweeping provisions have been misused by the government in stifling critical voices, curbing digital expression, and silencing dissent. Widespread use of cybercrime law against journalists and activists emphasizes the urgent need for reforming the law balancing national security and the protection of basic human rights. Lacking clear protection measures and judicial intervention, the continued use of such a law threatens democratic values and Nigeria's commitment towards freedom-of-press and the protection of digital rights (Antai et al, 2024).

6. National Security Justifications vs. Human Rights Concerns

The Nigerian government justifies its cybercrime laws as justified measures in protecting national security, neutralization of cyber threats, prevention of the propagation of misinformation, and upholding public order. Government authorities argue that in today's age of digital communication and the prevalence of the internet, the threats posed by cyber-enabled crimes such as terrorism, fraudulence, and the propagation of misinformation have increased (Wakili et al, 2024). The Cybercrime (Prohibition, Prevention, etc.) Act, 2015, is therefore justified as legislation that will neutralize such threats by criminalizing activities such as cyberstalking, cyberterrorism, fraud by pretence or by using the person's private life or image, or sending mischievous information. The government therefore believes that the above regulations are meant to prevent the use of online spaces for the dissemination of hate speech that promotes violence, causing the government instability or the propagation of propaganda that will lead to national instability. The

government also argues that cyber laws are crucial in maintaining that online spaces are not places for hate speech, recruitment by extremists or money crimes that will have catastrophic national security implications (Antai et al, 2024).

However, critics argue that the Nigerian cybercrime law has been employed as a tool against journalists, activists, and opposition voices. The very wide and loose provisions of the Cybercrime Act, most notably Section 24 on cyberstalking, have been applied against persons who post critical opinions about government officers or institutions. Arresting journalists, bloggers, and influencers on the web for alleged cybercrimes has attracted the issue of abuse of the law. In most instances, what often turns out is that the individuals prosecuted using these provisions are the ones that expose corruption, lay bare human rights abuses, or engage in investigative work that dares challenge the government. That mode of enforcement means that the cybercrime law is being utilized more in silencing opposition than in the actual tackling of cybercrime. Squeezing out the freedom of the press in the name of national security also finds expression in the shutting down the web, tapping into the web, and the censorship of the web. Not only do such actions consolidate undemocratic rule, but they also amount to the abuse of Nigeria's obligations in international human rights instruments that guarantee the right to freedom of expression (Umo et al, 2024).

A comparative analysis between South Africa and Kenya provides useful lessons on the tightrope that other African states are balancing between national security and freedom of the press within their cybercrime law. Hacking, interference with data and malicious communications are cybercrimes under the Cybercrimes Act, 2020 of South Africa. The law is intended to control misuse, threats to national security online and South Africa holds a stronger provision of freedom of speech in its law. The judiciary in South Africa is also interpreting the constitution to mean that its country's cybercrime law cannot be used to prosecute journalists and critics, undeterred by the term "law". It was also lambasted in Kenya, for example the Computer Misuse and Cybercrimes Act, 2018 begun causing controversy once many saw it coming to oppress. Kenya courts more proactive in ruling laws unconstitutional viz-a-vie as they applied criminal laws to media work that involved good-faith. Courts have intervened to ensure that national security interest does not come at the cost of the basic human rights (Aidonojie et al, 2024).

Balancing national security, and freedom of press in a healthy way by looking into best practices. For one, cybercrime legislation defines certain terms and protects journalists, as well as advocacy groups. Laws need to distinguish between true cyber threats and the acts of dissenting opinion speech as to control free press does not mean that avenue will get waylaid in favour of national security. Secondly, we require assurances that judicial control be independent against arbitrary application of cyber law. We need courts to check and balance the powers that rule because, in order for freedom of expression to be safe in the constitutional/international human right standards, the power needs to be constrained. Finally, regulators and enforcement must be transparent. This would mean governments should have completely separate (and independent) courts for cybercrime-focused prosecutions, not to prevent prosecution based on political motivations. Fourthly, open dialogue between policymakers, journalists and human rights activists contribute to creating well-balanced legislation which takes into account the need in security without cost on human rights. Reforming the cybercrime law in a manner that it does not become a best practices law in Nigeria by the way has to do with making room for democratic values, international human rights standards and independence of press (Aidonojie et al, 2024).

7. Reconciling Press Freedom, National Security, and Human Rights

In Nigeria, safe national security, human rights and a free press calls for legislative changes. It also calls for judicial review, and civil society activism added with global good practices. The existing Cybercrime (Prohibition, Prevention and Registration of Electronic Document) Act, 2015 is almost blanket and vague enough in Nigeria for the government to prosecute freedom of press. Law reform is paramount in this aspect, so that cybercrime laws do not encroach upon constitutional rights. The provisions of proposed Cybercrime Act, which make the decent journalism practiced without any assault on fundamental rights is one criminal offence (essentially aimed at journalists) and uncertain net communication bans must be re-written in the context of New South Wales. Certain provisions, for example Section 24 which deals with cyberstalking needs to be reformed to define the thin line between threats on the net (endangering someone life) and free criticism (Aidonojie et al., 2023; Aidonojie et al., 2024). There are also other things that the law needs to specify more clearly with regard to offences so it does not leave open indiscriminate application, or canned cases driven by political strings. Protective provisions must also be enshrined in law to ensure that people and journalists are not arbitrarily arrested, detained or spied on under the veil of security

measures reform must institutionalize (Ogu et al, 2024).

Also, there should be increased judicial oversight on whether the cybercrime law would be implemented in a manner that it should not become means for the censorship. The courts in Nigeria must continue to be on the tiptop of her crown in maintaining oversight over cases involving bloggers, journalists or activists prosecuted under the Cybercrime Act. In terms of judicial interpretation, it should be done in a manner so that freedom of press and free speech assurances under the law are strengthened. Allowing special benches in courts for hearing nexus to cybercrimes cases concerning freedom of press can also serve as a higher order protection against abuse by the administration (Anani et al., 2023; Zaman et al., 2024). The courts further need to make sure that national security-based prosecutions are based on substantial evidence and are not becoming a tool for the suppression of opposition. Judicial precedent for laws on defence of online rights should be actively laid down, making itself through with an example like law enforcement training where the aim is to create optimum synergy between security operatives and commitment to respect of human rights (Chinweze et al, 2024).

Civil society and media activism have the crucial role of holding the government accountable for government actions under the use of cybercrime. Human rights organizations, civil society actors, and media organizations must maintain the pressure on the misuse of cybercrime law through awareness campaigns, strategic litigation, and parliamentary activism. Newsrooms and reporters must organize themselves into coalitions in an effort to pressure government misuses and promote digital rights. Legal remedy training and digital protection protocols training for the media would empower reporters to endure oppressive cyber laws while minimizing risks. Civil society actors must also engage lawmakers in a bid to pressure for reforms that direct cybercrime law towards democratic values (Agboti et al, 2024). Harnessing digital platforms for campaign and mobilization would pressure policymakers into adopting more balanced cyber laws that ensure freedom of the press. Compliance with international best practice and Nigeria's international human rights commitments in human rights standards would be the better guarantor for providing freedom for the press in the police work on national security. Some have managed to develop cybercrime law that does not trade democratic rights. Nigeria may learn from South Africa and Kenya where the courts have invalidated expansive cybercrime provisions in order to protect online expression. International human rights instruments such as the Universal Declaration of Human Rights (UDHR), International Covenant on Civil and Political Rights (ICCPR), and the African Charter on Human and Peoples' Rights all emphasize the need for balancing the interests in security and the fundamental rights (Antai et al, 2024). As the signatory to the instruments, Nigeria owes itself the responsibility that the cybercrime law does not violate international obligations. By engaging the international human rights institutions such as the United Nations Human Rights Council and the African Commission on Human and Peoples' Rights, Nigeria may ensure that the regulations on the cyber are consistent with the best practices. Through reforming the law, empowerment of the judiciary and civil society and adherence to international standards, Nigeria may establish the law order that meets the challenge being posed by the cybersecurity without impairing the freedom of the media and the rights of individuals (Antai et al, 2024).

8. Conclusion and Recommendations

This article brings into perspective the fine balance between national security, freedom of the press, and human rights in Nigeria's cybercrime law. While the government's rationale for enacting the Cybercrime (Prohibition, Prevention, etc.) Act, 2015 in order to provide protection for national security and curtail the rising cyber threats may sound sensible, the excessively sweeping and ambiguous provisions in the law have created very serious concerns regarding the stifling of freedom of the press and the incursion into the cardinal human rights. Enforcement of the cybercrime law has in the main been used to victimize the journalists, activists, and opposition voices and taint the democratic heritage of Nigeria as well as international human rights commitments. Balance between national security and human rights, and indeed the right to freedom of expression, must receive utmost consideration as well as reform. The article also brings into perspective the imperative importance of judicial review, civil society activism, and compliance with international norms in ensuring that the fight against cybercrime does not translate into the sacrifice of democratic norms and individual rights.

Based on these discoveries, certain policy recommendations are made towards the development of a more just approach. First, legislative reform in Nigeria must retool the overly expansive and nebulous provisions in the Cybercrime Act that have the potential to encroach on the freedom of the press and target journalists. These must have very specific definitions and provisions that ensure against the

arbitrary enforcement of the law. Second, the judiciary must ensure that freedom of the press cases based on the cybercrime laws must go through rigorous scrutiny by the law. Constitutional protection must be enabled by the judiciary in order to prevent the manipulation of the laws for political or repressive motives. Third, the government must open up the government to engagement by the civil society, media community, and human rights institutions in order to ensure that the cybercrime law is in line with democratic values. Civil society must continue to pressure for the protection of digital rights and freedom of the press using the tools of lawsuits and public pressure in order to liberalize the restrictive legislation. Fourth, Nigeria must commit towards bringing the cybercrime laws into line with international good practices and norms on human rights and ensure compliance with treaties and standards such as the UDHR, ICCPR, and African Charter on Human and Peoples' Rights.

This would enable Nigeria to have a legal system that would combat cybercrime while ensuring the protection of the citizens' unalienable rights above all the right to freedom of expression. That would be in the manner that would ensure the development of a better democracy where the issue of national security would not override the rights of citizens to express themselves and hold the government accountable.

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