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2022/2023 PhD Thesis Abstract

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RT: Appraisal of the Legal Framework on Emerging Cybercrimes and Virtual Disruption in Nigeria

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AB: Cybercrimes are emerging crimes that are facilitated by evolving algorithms in the cyber-physical systems, which cause virtual disruption. These cyber-physical systems involve existing and new technological devices, that can be utilized to perpetrate crimes through cyber-physical connections. Cybercrimes are complex universal problems that have revealed a lacuna between law and technology. These necessitate the creation of effective legal, and technological solutions for the prevention of cybercrimes and related virtual disruption in Nigeria. Hence, the study examined the legal framework on emerging cybercrimes and virtual disruption in Nigeria.

This study adopted doctrinal analysis. Primary and secondary sources of information were relied upon. The primary sources included the Constitution of the Federal Republic of Nigeria 1999, the Criminal Code, the Penal Code Act 2004, the Economic and Financial Crime Commission Act 2004, the Evidence Act 2011, the Cybercrime (Prohibition and Prevention) Act 2015, the Nigeria Data Protection Regulation 2019, the African Union Convention on Cybersecurity and Personal Data Protection 2014, and the Budapest Convention 2004. The secondary sources comprised books, journals, newspapers, reports and previous studies on emerging cybercrimes in Nigeria. Content analysis was used to provide insight into emerging cybercrimes in Nigeria.

The study found that the extant legislation in Nigeria did not cover emerging cybercrimes and the punitive measures under the Cybercrime (Prohibition and Prevention) Act 2015 are weak with

outdated provisions on the definition and typology of cybercrimes. There are emerging crimes in the various types of cybercrime listed under the Act which include but are not limited to black basta, mindware, onyx, vishing, typosquatting, cloud security breaches, unstructured P2P Botnets, that are not covered in the Act. Other emerging cybercrimes include advanced persistent threat, machine learning poisoning, and artificial intelligence fuzzing. Cybercriminals use bitcoins and other crypto-assets to execute transactions in the darknet and the Nigerian Cybercrime Act did not provide for the regulation of crypto-assets or the manipulation of Bitcoin ATMs. The study also found that virtual disruption has widened the gap between law and technology, leading to ineffective legal and institutional framework. The Federal High Court does not have a specialised division on cybercrimes and the ratio of cases allotted to a Judge in the Federal High Court is not proportional. The Nigerian Police Force do not have adequately trained cyber-police to conduct emerging cybercrime investigations. The study also found that other jurisdictions have enacted laws to regulate innovative technology used in facilitating emerging cybercrimes such as quantum computers, internet of things, and cloud infrastructure which is not the case in Nigeria.

The study concluded that the extant legislation on cybercrimes in Nigeria is ineffective in regulating emerging cybercrimes. The study recommended that Nigeria should accede to the various Conventions on cybercrimes to align existing laws to meet global expectations. The legislators in collaboration with relevant stakeholders should stipulate appropriate safeguards to preserve computer evidence in consideration of quantum computers. The punitive measures under various legislation should be reviewed to ensure deterrence. Furthermore, Nigeria should have specialized division in the Federal High Court, with trained judges on cybercrime offences.

Keywords: Cybercrime laws, Effective legislation, Emerging cybercrimes, Technological innovation, Virtual disruption

Word Count: 499

Abbreviations: RFN: Researcher's Full Name, RD: Researcher's Department, RS: Researcher's School, RE: Researcher's Email, RAE: Researcher's Alternate Email, RP: Researcher's Phone Contact, RT: Registered Title, MS: Main Supervisor, ME: Main Supervisor's E-mail Address, SP: Main Supervisor's Phone Contact, CS: Co-Supervisor, CE: Co-Supervisor's E-mail Address, CP: Co-Supervisor's Phone Contact, AB: Abstract

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