

Judicial Perceptions of Emoji Evidence in Nigerian Courts: A Forensic Linguistic Study

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Abstract

Digital communication increasingly incorporates emojis as meaningful semiotic resources, raising complex questions about interpretation and evidentiary reliability in legal contexts. Although digital evidence is becoming more common in litigation, limited empirical research has examined how judges interpret emoji-based communication in courtroom settings. This study investigates judicial perspectives on the interpretation and admissibility of emojis as legal evidence, focusing on the role of context, linguistic framing, and pragmatic inference in meaning attribution. A qualitative research design was adopted. Semi-structured interviews were conducted with six experienced judges from courts in Nigeria. Data were analysed using reflexive thematic analysis following Braun and Clarke's six-phase framework, informed by forensic linguistic and pragmatic theories of meaning. Findings show that judges recognise emojis as meaningful communicative signs but treat their evidentiary value cautiously. Interpretation is highly context-dependent and shaped by accompanying text, communicative intent, and cultural norms. Concerns about ambiguity and misinterpretation were prominent. The study concludes that emoji meaning in legal contexts is interpretive and pragmatically negotiated, highlighting the need for clearer evidentiary guidelines.

Keywords: Emoji evidence, digital communication, forensic linguistics, Nigerian judiciary, legal interpretation.

1.1 Introduction and Background to the Study

In the digital age, communication has significantly evolved, moving beyond words to incorporate non-verbal elements such as emojis, GIFs, and memes. These digital symbols, especially emojis, have become essential tools for expressing emotions, intentions, and nuances in written communication. Originally designed as online shorthand to convey feelings or ideas in informal settings, emojis are now widely used in both personal and professional contexts. As the reliance on computer-mediated communication grows, digital messages containing emojis are increasingly

introduced into courtrooms as evidence in civil and criminal litigation. This shift raises critical legal and pragmatic questions regarding how judicial systems process, evaluate, and interpret graphic symbols within legal proceedings.

To address these challenges, a fundamental conceptual distinction must be drawn between the formal admissibility of digital evidence and the substantive pragmatic interpretation or evidential weight of emojis contained within such evidence. In many legal jurisdictions, including Nigeria, the threshold hurdle of admissibility is governed by statutory frameworks for electronic and computer-generated evidence, such as Section 84 of the *Evidence Act, 2011*. Once an electronic record—such as a text thread or instant message—satisfies these procedural conditions of authenticity and integrity, it is admitted into the court record. However, threshold admissibility does not resolve the subsequent, far more complex task of interpreting the graphic symbols within that record. While a document may be legally admitted, assigning appropriate evidential weight to an embedded emoji requires determining its semantic meaning, pragmatic tone, and communicative intent within the broader interaction.

In legal settings, communication is central to establishing *mens rea*, providing context, and resolving contractual or tortious disputes. Traditionally, written words were the primary medium evaluated in courtrooms. However, computer-mediated communication introduces unique interpretative hurdles due to inherent ambiguity, cross-platform technical rendering variances, and sociolinguistic diversity. Emojis can convey vastly different meanings based on conversational context, cultural background, and the relationship between the communicating parties. Consequently, once digital evidence is admitted, triers of fact face the challenge of determining whether a graphic symbol alters, intensifies, or negates the literal meaning of the accompanying text, or whether it functions merely as casual, informal paraphernalia.

Scholars in law and linguistics have increasingly turned their attention to the role of digital symbols in judicial contexts. Emojis have featured in litigation involving defamation, threat assessment, workplace harassment, and contractual formation, where their meaning is vigorously contested. Courts have been required to determine whether a "thumbs-up" emoji constitutes formal contractual acceptance or whether a winking face signifies humorous hyperbole rather than defamatory intent. These cases demonstrate that judicial decisions frequently hinge not on the admissibility of the electronic medium, but on the subjective interpretation of the symbols contained within it.

Linguists and legal scholars suggest that forensic linguistics—the application of linguistic knowledge, frameworks, and methodologies to legal contexts—offers critical tools for evaluating ambiguous digital communication. Forensic linguists can assist courts by applying speech act theory, discourse analysis, and pragmatic principles to decode tone, sarcasm, and intent, moving the court away from subjective speculation. However, despite the utility of applied linguistics,

most judicial systems, including Nigeria's, lack specialized practice directions or standardized guidelines for evaluating non-verbal digital markers. This creates an interpretative gap where individual judges must rely on personal intuition or judicial impressionism to assign evidential weight to emojis.

From a forensic linguistic perspective, emojis operate as non-verbal cues akin to gestures, intonation, or facial expressions in spoken discourse, functioning as Illocutionary Force Indicating Devices that anchor speech acts. According to Relevance Theory, proposed by Sperber and Wilson, human communication relies on an inferential process where hearers derive optimal relevance by weighing ostensive cues against contextual assumptions with minimal cognitive effort. In digital exchanges, an emoji provides crucial contextual effects that guide the recipient's interpretation of intent. When a court attempts to evaluate an emoji without systematic linguistic tools, there is a risk of misattributing intent due to mismatched cognitive environments between the communicator and the judge.

While international literature has increasingly documented emoji interpretation in Western courtrooms, there remains a significant empirical gap regarding how judicial officers in African jurisdictions navigate digital semiotics. Rather than conducting an applied corpus analysis of historical trial transcripts, this study adopts a forensic linguistic orientation by empirically examining judicial perceptions, interpretive frameworks, and the openness of Nigerian judges toward expert linguistic assistance. By investigating how judges across different court levels distinguish threshold admissibility from substantive pragmatic weight, this study seeks to illuminate the challenges of digital evidence interpretation in Nigeria and contribute toward standardized, objective frameworks for evaluating computer-mediated communication in legal proceedings.

1.2 Research Objectives

This study is set to investigate the use of emojis as evidence in court from the perspective of a forensic linguist. Specifically, the study aims to:

1. examine how emojis are interpreted, assigned evidential weight, and admitted as evidence in Nigerian judicial contexts;
2. identify the legal and linguistic challenges associated with interpreting intent and meaning in emoji-based evidence; and
3. assess the role and necessity of expert assistance from forensic linguists in interpreting emojis within legal proceedings.

1.3 Research Questions

To achieve these objectives, the following research questions guide the study:

1. How are emojis interpreted, assigned evidential weight, and admitted as evidence in Nigerian courts?
2. What are the key legal and linguistic challenges that arise when interpreting the intent and meaning of emojis in judicial contexts?
3. What is the role and perceived necessity of expert assistance from forensic linguists in accurately interpreting emojis in legal cases?

2. 1 Review of Related Research

Wolf, (2021) studied non-verbal communication in the digital era using a forensic linguistic approach. Wolf's research focuses on the role of emojis as a form of non-verbal communication in digital contexts, particularly in legal disputes involving cyber harassment and online defamation. The study employs a discourse analysis approach, examining how emojis are used to express emotions and intent in digital interactions. From a theoretical perspective, Wolf relies on speech act theory, which focuses on how language performs actions. While Wolf highlights the interpretive challenges emojis pose, particularly in legal settings, the study does not explore how judges navigate the evidentiary implications of emoji use in court proceedings. The gap here is a lack of focus on the judicial interpretation of emojis as legal evidence, particularly in the Nigerian context, which my study aims to address.

Similarly, Evans, (2017) investigated *The Emoji Code: The Linguistics Behind Smiley Faces and Scaredy Cats*. Michael O'Mara Books. In this book, Evans examines the linguistic properties of emojis, arguing that they function as a type of universal, digital gesture, complementing verbal communication. The study is grounded in cognitive linguistics, exploring how users of digital platforms employ emojis to add emotional nuance and context to their messages. Evans' work is conceptually relevant as it discusses the interpretive role of emojis in communication, which is central to their use as evidence. However, the book focuses on the linguistic and cognitive functions of emojis in casual digital communication, not their legal implications. My study extends Evans' work by addressing the specific legal and forensic considerations when emojis are presented as evidence in Nigerian courts.

Wichrowski, & Short's (2019) study on emojis in legal discourse: Challenges in interpreting intent explores the difficulties courts face in interpreting the intent behind emojis in digital messages, particularly in criminal cases involving threats and harassment. Wichrowski and Short use qualitative analysis to examine a range of legal cases in which emojis were submitted as evidence, with a focus on the interpretive challenges faced by judges. The authors highlight the ambiguity

inherent in emojis and argue that their meaning can be highly context-dependent. The relevance of this research lies in its thematic focus on the role of emojis in legal discourse. However, the study does not include a forensic linguistic perspective on how Nigerian judges specifically navigate these issues, a gap my research seeks to fill by conducting interviews with Nigerian judges to understand their interpretation of emojis as evidence.

Moreover, Lee, & King's (2020) "Digital evidence and its discontents: A critical examination of emoji use in cybercrime cases critically examines how digital evidence, including emojis, is used in cybercrime cases. The study uses case analysis as its primary method, investigating several legal cases in which emojis were pivotal to establishing intent or emotion in cybercrime scenarios. Lee and King adopt a socio-legal framework, arguing that the legal system is often ill-equipped to handle the nuances of digital communication, including emojis. While their research offers valuable insights into the use of digital evidence in cybercrime, it lacks a forensic linguistic perspective and does not focus on non-criminal cases or the role of judges specifically. My study fills this gap by providing a forensic linguistic analysis of how emojis are interpreted as evidence in both civil and criminal cases within Nigerian courts.

Danesi, (2016) also carried out a study on "The Semiotics of Emoji: The Rise of Visual Language in the Age of the Internet". Danesi's work offers a semiotic analysis of emojis, positioning them as part of a larger visual language system that complements written language in digital communication. The book explores the historical evolution of emojis and their role in contemporary digital discourse. While Danesi's semiotic approach is relevant for understanding the meaning-making processes behind emojis, the work is more concerned with general communication and lacks any discussion of their legal application. My research builds on Danesi's semiotic framework but moves beyond it to explore how emojis function specifically as legal evidence and how their meaning is interpreted by judges in Nigeria.

Equally, Holbrook, & Payne, (2022) researched "The role of digital forensics in interpreting emojis as evidence". Holbrook and Payne's study focuses on the use of digital forensics in the interpretation of digital communication, including emojis, in court. They argue that digital forensic experts play a crucial role in deciphering the context in which emojis are used, providing courts with the necessary background to interpret their meaning. This research is methodologically similar to my study, as it employs case studies and interviews with legal professionals. However, their focus is primarily on the role of digital forensic experts rather than on how judges themselves interpret emojis in court. My research addresses this gap by focusing on the judicial perspective and how judges in Nigeria, specifically, interpret emojis as evidence without relying solely on forensic experts.

While the reviewed studies provide valuable insights into the role of emojis in communication and their legal implications, none of them focus on the interpretation of emojis as evidence by Nigerian

judges from a forensic linguistic perspective. Existing research either centers on the general role of emojis in communication, such as Danesi (2016) and Evans (2017) or examines the challenges faced by legal systems in interpreting emojis, such as Wichrowski and Short (2019) and Lee and King (2020). However, these studies do not specifically address how judges in a non-Western legal context, like Nigeria, approach emoji evidence.

Moreover, while Holbrook and Payne (2022) explore the role of digital forensics in interpreting emojis, they do not focus on the perspective of the judges themselves, which my study aims to do through interviews. The gap in the literature lies in the lack of a forensic linguistic analysis that examines how judges, as key decision-makers, interpret and assess the meaning and relevance of emojis in both civil and criminal cases. Our research aims to fill this gap by providing empirical data from interviews with Nigerian judges, offering a localized understanding of how emojis are treated as evidence in a legal context that has not been widely studied in this regard.

Despite growing scholarship on digital communication and legal interpretation, empirical research examining how judges interpret emoji evidence remains limited, particularly in non-Western legal systems. This study addresses this gap by providing qualitative evidence from judicial practitioners.

2.2 Theoretical Framework

Relevance Theory, proposed by Dan Sperber and Deirdre Wilson in 1986, serves as the theoretical anchor for this study. As a core framework in cognitive pragmatics, Relevance Theory posits that human communication relies not merely on decoding literal linguistic signals, but on an inferential process where the hearer or reader derives meaning by weighing linguistic and non-linguistic cues against a specific context. This framework is particularly apt for analyzing how Nigerian judges interpret emojis as digital evidence. Emojis, as non-verbal graphic symbols, possess low intrinsic semantic specificity and high polysemy. Consequently, when judges evaluate emoji-based evidence, they must engage in pragmatic inference to bridge the gap between the explicit graphic form and the sender's implicit communicative intent.

In judicial proceedings, establishing intent, whether *mens rea* in criminal matters or contractual intent in civil disputes, requires triers of fact to evaluate communicative evidence within its wider conversational matrix. Relevance Theory illuminates how judges process this evidence through two foundational principles: the Cognitive Principle of Relevance and the Communicative Principle of Relevance. The Cognitive Principle posits that human cognition inherently seeks to maximize cognitive effects while minimizing processing effort. Applied directly to the interview findings of this study, when a judge evaluates an ambiguous symbol like a "thumbs-up" emoji in a disputed online transaction, the judge balances the cognitive effort required to process alternative interpretations against the contextual evidence available. The Communicative Principle further

asserts that every act of ostensive communication carries a guarantee of its own optimal relevance. Judges inherently operate on the assumption that a litigant's use of an emoji was intended to convey a specific, relevant meaning within that particular interaction, prompting the court to infer what a reasonable communicator in that context intended to express.

A critical concept within Relevance Theory that directly connects to the empirical data of this study is the generation of contextual effects. According to Sperber and Wilson, an utterance or symbol achieves relevance by interacting with the listener's background assumptions, modifying or strengthening existing context, or eliminating false premises. The interview data across all three court levels demonstrate that Nigerian judges intuitively rely on contextual effects to resolve semantic ambiguity. For instance, participants observed that a smiling or winking emoji cannot be decoded in isolation; its ostensive meaning shifts dramatically from friendly agreement to sarcasm or emotional harassment depending on the surrounding verbal text, the platform medium, and the pre-existing relationship between the parties. Relevance Theory provides the precise analytical mechanism to explain why higher court judges in this study advocated for a holistic, co-textual approach to digital evidence rather than isolating the graphic symbol.

Furthermore, Relevance Theory's emphasis on inferential communication explains the judicial divide and challenges identified in the study's findings. Because inferring optimal relevance depends heavily on shared contextual assumptions and cognitive environments, discrepancies arise when judges and litigants do not share the same sociolinguistic or technological background. As revealed in the interview data, challenges such as cross-platform rendering differences, generational divides, and cultural variations disrupt the inferential process, forcing judges to expend excessive cognitive effort and raising the risk of erroneous judicial impressionism. In such instances, where the cognitive environment of the court is insufficient to infer optimal relevance accurately, Relevance Theory justifies the formal intervention of forensic linguists. Expert linguistic testimony expands the court's context, providing systematic pragmatic analysis that enables judges to derive the most relevant and objective interpretation of emoji evidence with minimal subjective speculation.

3. Methodology

This study adopts a qualitative research design, specifically utilizing a qualitative exploratory interview study approach. Rather than applying a bounded case study methodology, an exploratory qualitative interview framework was chosen as it is uniquely suited for investigating complex, under-researched phenomena where judicial perspectives and linguistic nuances are still emerging. This design enables an in-depth exploration of how Nigerian judges interpret, evaluate, and assign evidential weight to emojis as part of digital evidence, as well as the potential role of forensic linguistics in aiding judicial adjudication.

The target population for this study comprises judicial officers serving across different tiers of the Nigerian judiciary. The accessible population was defined as six serving judges stationed in urban judicial divisions in Southern Nigeria (specifically Lagos and the Federal Capital Territory, Abuja), where digital communication disputes and electronic evidence litigation are most prevalent. Participants were selected using purposive sampling based on four explicit inclusion criteria:

- active tenure on the bench within a Customary Court, High Court, or Court of Appeal;
- a minimum of five years of judicial experience;
- self-reported prior adjudication or professional familiarity with computer-mediated communication (CMC) and electronic evidence under Section 84 of the *Evidence Act, 2011*; and
- willingness to participate in an in-depth academic study.

The sample size of six judges (comprising two Customary Court judges, two High Court judges, and two Appeal Court judges) was selected and justified based on the principles of qualitative data adequacy and thematic saturation in specialized expert populations (Braun & Clarke, 2021). Given the highly specialized nature of the participant pool and the depth of information elicited from senior judicial officers, a sample of six provided rich, granular data sufficient to identify recurring thematic patterns across different court hierarchies without redundant data collection.

Data collection was conducted using semi-structured, individual interviews. The interview guide comprised open-ended questions designed to explore the admissibility, pragmatic interpretation challenges, contextual analysis, and perceived necessity of forensic linguistic expert testimony in emoji-related cases. Semi-structured follow-up prompts were utilized to encourage elaboration and clarify complex legal reasoning. Each interview lasted approximately 30 to 40 minutes, was audio-recorded with participant consent, and was subsequently transcribed verbatim for analysis.

The collected interview data were analyzed following Braun and Clarke's (2006, 2019, 2021) six-phase reflexive thematic analysis framework. This iterative method involved familiarization with the data, generating initial codes, searching for themes, reviewing themes against the dataset, defining and naming themes, and producing the final scholarly report. The analytic focus was placed on identifying latent and manifest patterns regarding judicial perceptions, semiotic challenges, and interpretive frameworks.

To establish trustworthiness and qualitative rigor, the study adhered to Lincoln and Guba's criteria of credibility, transferability, dependability, and confirmability. Credibility was enhanced through verbatim transcription, member-checking (participant validation), and prolonged engagement with the interview texts. Transferability was supported through rich, thick descriptions of the judicial

context and participant demographics. Dependability was maintained through a detailed audit trail of all analytic decisions, while confirmability was ensured through reflexive documentation to minimize researcher bias during code and theme development.

Ethical approval was granted by the relevant institutional research ethics committee prior to field data collection. Participation was entirely voluntary, and written informed consent was secured from all judges. Strict measures were implemented to protect participant anonymity and confidentiality, including the removal of personal identifiers, the use of generic participant codes (e.g., Respondent 1, High Court Judge), and encrypted, password-protected data storage.

4. Data Presentation and Findings

This section presents the empirical findings derived from qualitative interviews conducted with six judicial officers across the Customary Court, High Court, and Court of Appeal in Nigeria. In alignment with Braun and Clarke's (2006, 2019, 2021) reflexive thematic analysis framework, the data are organized directly under core thematic headings rather than individual participant profiles. These themes illustrate how Nigerian judges perceive, interpret, and evaluate emoji-based digital evidence within judicial proceedings.

4.1 Context-Dependence in Emoji Interpretation

A dominant theme across all judicial levels is the premise that emojis cannot be evaluated as isolated graphic units. Participants stressed that an emoji's semantic and pragmatic value is strictly dependent on the surrounding verbal text, the specific digital platform used, and the underlying relationship between the communicating parties.

- **Judicial Perspectives on Contextual Analysis: High Court and Appellate judges noted that evaluating intent requires analyzing the full conversational thread rather than isolating the symbol itself. As Respondent 1 (High Court Judge) observed in a civil defamation case:**

"Emojis can be ambiguous, but when considered in context, they can sometimes help reveal intent. However, I am cautious about relying solely on them."

- **Transaction and Interactional Context: Respondent 3 (Court of Appeal Judge) highlighted a contractual dispute involving a "thumbs-up" emoji used during an online transaction, emphasizing that pragmatic context dictates whether such a symbol signifies legal agreement or mere acknowledgement:**

"In today's digital age, emojis can sometimes be as important as words. However, we need to be cautious in assigning meaning without considering the full context of the communication."

4.2 Ambiguity and Linguistic/Legal Challenges

Participants consistently identified semantic ambiguity as a central challenge when trying to establish *mens rea* or civil intent. This ambiguity stems from variance in cultural backgrounds, age groups, rendering across different operating systems/software, and non-literal uses like sarcasm.

- **Cross-Cultural and Technological Variance: Respondent 2 (Customary Court Judge) highlighted that non-verbal digital markers lack universal standard definitions, creating severe interpretive risks:**

"Unlike written or spoken words, emojis are prone to misinterpretation because their meanings can vary widely depending on cultural background, age group, or even the specific software being used."

- **Deciphering Tone and Emotion: Respondents 4 (High Court Judge) and 6 (Court of Appeal Judge) observed that emojis frequently alter or intensify the literal meaning of text messages—such as in defamation, harassment, or emotional abuse cases—making it difficult for a trier of fact to isolate intent without specialized tools:**

"Emojis are more than just pictures; they can communicate emotion, tone, and even sarcasm. We need to take them seriously in the right context." (Respondent 6)

4.3 Evidential Weight and Admissibility

The findings demonstrate varying judicial attitudes regarding the weight assigned to emoji evidence. While judges generally agree that emojis meet the threshold for basic relevance and admissibility under general electronic evidence rules, they disagree on whether emojis can serve as primary proof or merely corroborative evidence.

- **Traditional Skepticism: Respondent 5 (Customary Court Judge) expressed a cautious, traditional viewpoint, viewing emojis as informal markers that lack the legal certainty needed to drive major judicial rulings:**

"Emojis are informal by nature, and while they might sometimes be relevant, they should not be heavily relied upon in serious legal matters."

- **Progressive Integration: Conversely, Respondents 3 and 4 argued that courts cannot ignore the realities of modern electronic communication, asserting that emojis should be evaluated as supplementary evidence alongside traditional documentary proof:**

"In a world where communication is changing rapidly, the courts must catch up. Emojis are not insignificant; they can be critical to understanding a person's intent." (Respondent 4)

4.4 The Need for Forensic Linguistic Expert Assistance

Because digital pragmatics and orthography evolve rapidly, participants acknowledged personal and institutional limitations in decoding subtle linguistic nuances. The judges expressed a strong openness to relying on expert testimony from forensic linguists to bridge this analytical gap.

- **Judicial Reliance on Expert Testimony: Respondent 2 noted that when faced with emoji-centric litigation, expert interpretation would be necessary for accurate adjudication:**

"I have not dealt with emoji-related cases yet, but if it happens, I would require expert assistance to interpret them accurately."

- **Decoding Pragmatic Intent: Respondent 6 similarly advocated for routine consultation with forensic linguists or digital communication experts, noting that expert witnesses can provide objective linguistic methodologies to decode tone, sarcasm, and implicit meaning in sensitive legal contexts.**

4.5 Judicial Perceptions Regarding Guidelines and Legal Precedent

During the interviews, participants frequently noted a personal sense of uncertainty when handling emoji evidence, attributing this to a perceived lack of tailored practice directions or specific judicial precedents within Nigerian courts. Respondent 4, for instance, remarked:

"The lack of specific guidelines in Nigerian practice makes it difficult to apply a consistent approach across cases..."

However, from a legal and doctrinal standpoint, electronic evidence in Nigeria is broadly governed by Section 84 of the *Evidence Act, 2011*, which establishes conditions for admitting computer-generated documents. Furthermore, Nigerian legal scholarship and broader judicial decisions on digital communications (e.g., *Kubor v. Dickson*, 2013) establish that electronic messages—including accompanying symbols—are admissible in principle if foundation requirements are met.

Therefore, the judges' responses do not indicate a total vacuum in statutory law, but rather reflect a subjective judicial need for specialized pragmatic guidelines, judicial training, and explicit legal precedents specifically addressing non-verbal, pictorial digital evidence in Nigerian courtrooms.

5.0 Discussion of Findings

The qualitative findings derived from interviews with six judges across the Customary Court, High Court, and Court of Appeal highlight the evolving role of computer-mediated communication, particularly emojis, in Nigerian courtrooms. Rather than presenting individual narrative

summaries, this discussion synthesizes the findings under thematic headings aligned with the study's three research questions and the broader forensic linguistic and legal literature.

5.1 Interpretation, Evidential Weight, and Admissibility of Emojis

The findings reveal that while emojis meet the threshold for admissibility as computer-generated evidence under Section 84 of the Evidence Act, 2011, judicial attitudes toward their evidential weight vary significantly across court levels. Customary court perspectives displayed skepticism, categorizing emojis as informal paraphernalia that lack the precision required for legal decisions. This sentiment reflects traditional legal caution regarding non-verbal markers in digital communication. Conversely, High Court and Court of Appeal judges adopted a progressive stance, recognizing emojis as integral, co-textual pragmatic markers. For instance, a contractual dispute highlighted by one appellate judge involved a thumbs-up emoji that proved crucial to determining whether a valid agreement existed, while another judge noted the relevance of emojis in proving emotional abuse in a divorce case. These findings align with literature demonstrating that emojis function as emotional amplifiers and pragmatic markers that alter, reinforce, or clarify speech acts. Rather than dismissing emojis due to their informality, the higher courts evaluate them as supplementary, context-dependent evidence to decipher intent and state of mind.

5.2 Legal and Linguistic Challenges in Emoji Interpretation

The central challenge identified by the participants is the inherent ambiguity and polysemous nature of emojis. Establishing intent, whether mens rea or civil liability, is complicated by cross-platform technical rendering discrepancies, sociolinguistic variance across age and cultural cohorts, and non-literal uses such as sarcasm. In addressing these challenges, participants frequently noted a sense of uncertainty, which they attributed to a perceived lack of specialized judicial precedents or practice directions in Nigeria. While general electronic evidence is governed by the Evidence Act, 2011, participants highlighted that judges are often left relying on personal intuition to interpret graphic symbols. Without standardized pragmatic criteria, there is a heightened risk of subjective judicial impressionism and inconsistent rulings across cases.

5.3 Role and Necessity of Forensic Linguistic Expert Assistance

To bridge the gap created by pragmatic ambiguity and cross-platform variations, participants expressed strong consensus regarding the necessity of expert testimony from forensic linguists. Judges acknowledged that decoding tone, sarcasm, indirect speech acts, and contextual intent in digital orthography exceeds basic judicial notice. Participants emphasized that when emojis form a central part of digital evidence, such as in defamation, harassment, or contractual disputes, courts require objective, scientific methodologies to decode their meaning accurately. This finding strongly reinforces the applied framework of forensic linguistics, demonstrating that forensic

linguists play a crucial role in offering evidence-based analyses of communicative intent in computer-mediated discourse.

5.4 Limitations of the Study

This study has several methodological limitations that should be considered when interpreting the findings. The study involved a small sample size of six judges. While sufficient for qualitative, reflexive thematic analysis, it limits the empirical generalizability of the findings across the entire Nigerian judiciary. Furthermore, participants were drawn from selected court levels in specific jurisdictions, which may not fully capture the regional diversity of judicial perspectives nationwide. The findings also rely on self-reported judicial perceptions and recalled case experiences rather than direct observation of courtroom proceedings or systematic analysis of published law reports. Finally, the rapidly evolving nature of digital communication and emoji graphic design means that judicial attitudes and interpretive norms may adapt as technology and generational familiarity advance over time.

6. Conclusion

This study explored the use of emojis as digital evidence in court from the perspective of a forensic linguist, evaluating judicial views on interpretation, admissibility, and linguistic challenges in Nigerian legal contexts. Through interviews with judges from the Customary Court, High Court, and Court of Appeal, the study demonstrated that while lower or traditional courts remain skeptical due to the informal nature of emojis, higher courts increasingly recognize emojis as vital co-textual elements that convey tone, emotion, and intent. A central finding of the study is that emojis cannot be interpreted in isolation; their evidential weight depends entirely on holistic co-textual analysis, platform-specific rendering, and the relational context of the parties. Furthermore, the findings highlight a growing judicial demand for specialized practice directions, judicial continuing education, and formal reliance on expert testimony from forensic linguists to eliminate subjective intuition and ensure consistency in the adjudication of digital evidence.

7. Contributions to Knowledge

This study contributes to scholarly literature and legal practice in three major ways. First, it provides an empirical contribution to African forensic linguistics by offering original qualitative evidence on how judicial officers in an African jurisdiction evaluate non-verbal digital markers, expanding forensic linguistic literature into non-Western courtrooms. Second, it offers a theoretical extension of pragmatics and digital semiotics by applying Speech Act Theory and forensic discourse analysis to computer-mediated communication, demonstrating how visual symbols function as Illocutionary Force Indicating Devices in legal evidence. Third, it delivers practical and policy insights for judicial reform by highlighting actionable guidance for the National Judicial Institute and court policy-makers regarding the need for tailored Practice

Directions and the routine admission of forensic linguistic expert testimony under Section 68 of the Evidence Act, 2011.

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