

THE DARK SIDE OF PODCASTING: DEFAMATION, CHARACTER ASSASSINATION, AND THE IMPERATIVE OF LEGAL REGULATION IN NIGERIA*

Abstract

This study delves into the uncharted territory of podcasting in Nigeria, exposing the dark underbelly of defamation, character assassination, and unregulated free speech. With the proliferation of podcasts in Nigeria, concerns about the spread of misinformation, hate speech, and defamatory content have grown. The absence of effective legal regulation and oversight has created an environment where podcasters can disseminate harmful content with impunity, leaving victims with little recourse. This research explores the intersection of free speech, defamation, and legal regulation in Nigeria's podcasting industry. Through a qualitative approach, combining documentary analysis, expert interviews, and case studies, this study investigates the prevalence of defamation and character assassination in Nigerian podcasts, examines the legal framework governing podcasting, and identifies the challenges and limitations of existing laws. The findings reveal a pressing need for legal regulation to strike a balance between free speech and accountability. This study proposes recommendations for effective legal oversight, drawing from international best practices and Nigeria's unique socio-legal context. This research contributes to the discourse on media regulation, free speech, and defamation, providing insights for policymakers, legal scholars, and industry stakeholders. By shedding light on the dark side of podcasting in Nigeria, this study aims to promote responsible podcasting practices, protect individuals and communities from harm, and ensure that the benefits of podcasting are realized without compromising the well-being of Nigerian society.

Keywords: Podcasting, Dark Side, Defamation, Character Assassination, Regulation, Nigeria

1. Introduction

The advent of podcasting has revolutionized the media landscape, offering a platform for diverse voices, perspectives, and stories to reach a global audience. However, beneath the surface of this burgeoning industry lies a dark underbelly – a realm where defamation, character assassination, and unbridled free speech threaten to undermine the very fabric of Nigerian society. In recent years, Nigeria has witnessed a surge in podcasting, with numerous shows tackling sensitive topics, from politics and social issues to entertainment and culture. While this proliferation of podcasts has fostered a sense of community and free expression, it has also created an environment conducive to the spread of misinformation, hate speech, and defamatory content.

The lack of effective legal regulation and oversight has emboldened some podcasters to push the boundaries of acceptable speech, often with devastating consequences for individuals and communities. Defamation and character assassination have become rampant, leaving victims with little recourse or protection under Nigerian law. This study seeks to explore the dark side of podcasting in Nigeria, examining the intersection of free speech, defamation, and legal regulation. By delving into the complexities of this issue, this research aims to: investigate the prevalence of defamation and character assassination in Nigerian podcasts; analyze the legal framework governing podcasting in Nigeria; examine the challenges and limitations of existing laws in addressing podcast-related defamation; explore international best practices in regulating podcasting and online speech and propose recommendations for effective legal regulation and oversight of podcasting in Nigeria. Through this research, we hope to shed light on the imperative of legal regulation in Nigeria's podcasting industry, ensuring that free speech is balanced with accountability and protection for all individuals and communities.

2. The Concept of Podcast

Podcasting is a way to distribute digital audio content over the Internet with the end goal that the content will be downloaded by a subscriber using subscription software such as iTunes, then synced to the listener's portable MP3 player for later listening. The term 'podcasting' comes from Apple's ubiquitous iPod, because of the notion that podcasts would likely be played on an iPod. However, an iPod is only one of many ways to listen to the shows. Each individual podcast episode is a single MP3 file of audio content, which is downloaded to the computer of the listener. Listeners can listen to the shows on their computers, directly from the web, or on a portable MP3 player. One online encyclopedia provides the following description for podcasting:

Podcasting is [a] blanket term used to describe a collection of technologies for automatically distributing audio and video programs over the internet via a publish and subscribe model. Podcasting enables independent producers to create self-published, syndicated 'radio shows,' and gives broadcast radio programs a new distribution method. In the podcasting model, the publisher publishes a list of programs in a special format, known as a 'feed', on the web. A user who wants to see or hear the podcast subscribes to the feed in special 'podcasting' software (a type of

* By **R. O. ISHIGUZO, PhD, BL**, Legal Practitioner based in Asaba, Delta State, Nigeria, Tel: 08068515729, 08058237739, Email: rich4just@yahoo.com, rich4just12@gmail.com.

aggregator), which periodically checks the feed and automatically downloads new programs as they become available. Typically, the podcatching software also transfers the program to a desktop or portable media player¹.

The most distinctive quality of podcasting is the ability to ‘time-shift’ digital audio content². Time-shifting is the result of downloading an audio program for later listening. Like the blogging phenomenon, podcasts have come out of nowhere to attract enthusiastic grassroots following. They’re being generated by a wide cast of characters—from professional broadcasters to rank amateurs. Listeners can download shows to their computers, or, with a bit of know-how, automatically export shows to an Apple iPod—hence the term ‘podcast’—or any MP3 player. Podcasting owes its roots to blogging. Essentially, podcasting is an extension of web log (‘blog’) technology, with one important difference: the addition of an attached file. The attached file is handled through the use of a Really Simple Syndication (RSS) feed.

3. Notable Nigerian Podcasts

In Nigeria, podcasts have become an important platform for critical dialogue about politics, social justice, entertainment, and culture. They provide a valuable space for discussions on important issues that may not receive adequate coverage in mainstream media outlets. Some unique Nigerian podcasts have been making waves on the social media/internet platforms lately. Prominent amongst them includes;

4th Republic: This political podcast, which maintains a non-partisan stance, aims to provide context and documentation of political events in Nigeria that have occurred since 1999. It also profiles and interviews aspirants contesting for political positions, as well as provides audio briefings of its weekly political newsletter³.

The Dirty Lie Podcast: A history podcast that mixes extensive historical research, dry humor, and ‘two facts and lie’ to set the tone for episodes that examine moments in history that are stranger than fiction⁴.

Nigerian American: This podcast spotlights captivating stories and first-hand encounters of global migrants who are of Nigerian origin. It takes a storytelling route to explore a range of topics about identity, culture, business, politics, music, etc. in a very unique way⁵.

The Open Africa Podcast: This podcast features three knowledgeable hosts engaging in candid discussions about finance, technology, and start-ups in Africa. With a perfect blend of humor and insight, the hosts offer a comprehensive analysis of the fintech landscape⁶.

Loose Talk Podcast: This podcast, hosted by Nigerian media personalities, Osagie Alonge, Steve Dede, and Ayomide Tayo, offers a candid and irreverent take on pop culture, music, and politics. The podcast has gained a large following in Nigeria and has been credited with helping to shape public opinion on various issues⁷.

I Said What I Said: This podcast, hosted by Nigerian media personalities, Jola Ayeye and Feyikemi Abudu, offers a frank and insightful perspective on contemporary issues affecting young people in Nigeria. The podcast has gained a significant following for its engaging and relatable content⁸.

The Honest Bunch Podcast: The Honest Bunch Podcast is a refreshing and candid exploration of the human experience. The show is hosted by a group of friends who share their thoughts, stories, and perspectives on a wide range of topics. Each episode features the hosts sharing their personal experiences, insights, and advice in a relatable and down-to-earth manner⁹.

Gbam Podcast: GBAM is an igbo interview/podcast in Nigeria hosted by Dr. Chijioke Igwendu (Yanbaba) Its Contents touches on Education, fiction (for educative and expository purposes) and Pure entertainment¹⁰.

4. Defamation

Generally, defamation is the act of making a false statement about someone, which damages their reputation. Defamation may be either libel (written or published statements) or slander (spoken statements)¹¹. Defamation is defined as the transmission to a third party, either orally or in writing, of information that could damage the reputation of another person. It is the publication of a statement, which exposes a person to hatred, ridicule, contempt and/or causes him to be shunned or avoided by right thinking members of society. Defamation is the

¹ Wikipedia, Podcasting, <http://en.wikipedia.org/w/index.php?title=Podcasting&oldid=28332345> (last visited Nov. 14, 2005).

² See Byron Acohido, Radio to the MP3 degree: Podcasting, USA TODAY, Feb. 9, 2005, at IB, available at <http://www.usatoday.com/money/media/2005-02-09-podcasting-usatmoney-cover-x.htm>

³ See <https://podcasts.apple.com/ng/podcast/4th-republic/id1604180965>

⁴ See <https://podcasts.apple.com/ng/podcast/the-dirty-lie-podcast/id1622253468>

⁵ See <https://podcasts.apple.com/ng/podcast/nigerian-american/id1265543296>

⁶ See <https://www.openafricapodcast.com/>

⁷ See <https://podcasts.apple.com/ng/podcast/loose-talk/id1669922137>

⁸ See <https://podcasts.apple.com/ng/podcast/i-said-what-i-said/id1276300865>

⁹ See <https://podcasts.apple.com/ng/podcast/i-said-what-i-said/id1276300865>

¹⁰ See <https://www.tiktok.com/discover/gbam-podcast>

¹¹ Black, H. C., Garner, B. A. (Eds.), *Black's Law Dictionary*, 11th Ed., (St. Paul, MN: West Academic Publishing, 2019) p. 446.

general term that is commonly categorized as either libel or slander. Libel is a written defamation while slander is verbal defamation. It falls under the Law of Tort and a broader legal definition of the concept refers to false statements about a person communicated as fact to one or more other persons by an individual or entity (such as a person, newspaper, magazine or political organization), which causes damage and does harm to the target's reputation and/or standing in the community. The general harm caused by defamation is identified as ridicule, shame, hate, scorn, belittlement or being held in contempt by others, and which lowers him/her in esteem of a reasonably prudent person, due to the communication of the false statement. Scholars in the field of media agreed that, for a statement to be defamatory of a person, the following statement must be false and targeted towards: (a.) Lowering his morale in the estimation of right-thinking men or (b.) Causing him to be shunned or avoided, or (c.) Expose him to hatred, contempt or ridicule, or (d.) Conveys an imputation on him disparaging or injurious to him in his office, profession, calling, trade or business. (e.) injures his financial credit. Defamation could be civil or a criminal act. Thus, both the Criminal and Penal Codes have provisions on defamation. Section 373 of the criminal code defines defamatory matter as matter likely to injure the reputation of any person in his profession or trade. Section 391 of the Penal Code also provided for Defamation.

When Does Online Defamation Become Actionable?

There are three key factors to consider when deciding whether a defamatory statement is actionable or not –

The online defamatory statement must be a lie: Often, people confuse every negative comment about them to mean defamation. Unfortunately, not all negative statements are defamation. Modern governments around the world all have a right to free speech which is not without limit. When someone communicates, either in writing or verbally, a statement that is not true, they step beyond the bounds of their right to free speech and may become subject to civil liability. In *Wilson v. Bauer Media Pty Ltd*¹², the court awarded Wilson \$650,000 general damages and \$3,917,472 special damages. In doing so, the court noted the presence of multiple aggravating factors including substantial loss of business. The court's findings were premised on the fact that Wilson had proved that the lies published by the magazine were sufficient to give rise to a reasonable cause of action for defamation.

There must be actual harm: Legal reviews have revealed that so often, people who have been defamed are angrier than actually injured. To successfully maintain an action for defamation, you should be able to prove and establish that the publication causes actual harm to you and not just that it made you angry. Those are actual injuries that can be addressed and quantified in an actionable manner. In the case of *Wilson v. Bauer Media Pty Ltd (supra)*, it was clear that the false publication by the magazine occasioned a loss of business and income for Wilson and this was instrumental in the court's findings in her favor. In *Lachaux v. Independent Print Ltd*¹³, the court dismissed the case since the claimant could not prove any serious harm caused him by the publications of the defendants.

There must be evidence: A person can defame another person all day long but unless those who witness the defamation are willing to testify or the alleged defamatory statements are recorded, it becomes a 'he said/she said' situation. Generally, for online defamation, recorded statements are easier to preserve for trial but they will not be entirely useful unless there is information regarding who wrote the statement and who read, accessed or downloaded it. In *Giwa v. Ajayi*¹⁴, the Court of Appeal held that there was no evidence as to whom the alleged defamatory matter was published and since the Plaintiff did not lead evidence on this very important aspect, the court was entitled to conclude that there was in law and in fact no publication of the alleged defamation¹⁵.

Proof of Online Defamation:

As a general rule, not every 'negative' publication made online amounts to defamation. The allegation of defamatory publication within the context of online publication is hinged on the fact that the party claiming defamation must prove or show that the defamatory material was actually accessed and downloaded by identifiable persons within the jurisdiction of the court. Thus, the law will not presume that the words were actually read¹⁶. In the English case of *Mohammed Hussein Al Amoudi v. Jean Charles Brisard & Anor*¹⁷, the Plaintiff's case was dismissed on the ground that he was not able to show that the defamatory material was actually accessed and downloaded by identifiable persons within the jurisdiction of the court. This case clearly draws the distinction on the elements that must exist to prove online defamation, which are – a. The alleged defamatory material must have been read or accessed by a third party to constitute substantial tort; and b. The said material must have been

¹² 2 [2017] VSC 521 (Australia)

¹³ 3 [2017] EWCA Civ 1334 (England)

¹⁴ (1993) 5 NWLR (Pt. 294) 423

¹⁵ See *Omo-Agege v. Oghojafor* (2011) 3 NWLR (Pt. 1234) at 341 and *Zabusky v. Israeli Aircraft Ind.* (2008) 2 NWLR (Pt. 1070) at 109.

¹⁶ *King v. Lewis* (2004) EWCA Civ1329 Case No. A2/2004/0380

¹⁷ (2006) 3 All ER 294

accessed and downloaded within the court's jurisdiction. It is a basic ingredient of online defamation that substantial and real publication of the alleged defamatory material must first be proved. This is so because publication cannot be inferred solely by reason of the mere fact that defamatory allegations have been accessible on the internet¹⁸. It is worth stating that in order to establish and prove an online defamation claim, it is generally immaterial whether the defamatory statement is deliberate or not. It is also of no moment that the online post in question was fired off in anger or even an innocent repeat of a third party's defamatory statement. As long as it is published, read and reputational damage suffered, it is sufficient to prove the defamatory claim.

Defences/Exception to Defamation

As always, there are exceptions and defenses to online defamation and they generally include:

1. Fair comment – this refers to a statement of opinion which was arrived at based on accurate facts, which do not allege dishonourable motives by the person about whom the statements were made;
2. Statements made about a public person (political candidates, governmental officeholder, movie star, author, celebrity etc.) are usually exempt, even if they are untrue and harmful. This is due to their status as public persons. However, if they were made with malice – with hate, dislike, intent and/or desire to harm and with reckless disregard for the truth – the public person may have a cause of action.
3. Minor errors in reporting, such as publishing a person's age or title inaccurately or providing the wrong address;
4. Governmental bodies due to the premise that a non-personal entity cannot have intent;
5. Public records are also exempt from claims of defamation;
6. Truth – where it is proven that the communication was true.

5. Legal Framework for Mass Media in Nigeria

In order to ensure National Security and by keeping relevant facts and information secret from the public and the rest of the world, the provision of the 1999 Constitution of Nigeria guarantees a regulation of the freedom of expression and the press¹⁹. While section 39(1) guarantees the right to freedom of expression and the press, section 39(2) and (3), (a)-(b) quickly check the provisions by permitting its restriction or abridgment, by any law which is reasonably justifiable in a democratic society for the purpose of preventing the disclosure of information received in a confidence; or imposing restrictions upon persons holding office under the government of the Federation or State; or Members of the Armed Forces, or Police, and other security agencies²⁰. The above section gave rise to different enactments and promulgations of laws with the aim of regulating 'absolute freedom' enjoyed by the mass media in Nigeria just like their counterpart in rest of the world. Following are the laws aimed at regulating the media in the country:

The Nigerian Constitution: Even though, Section 39(1) of the 1999 constitution guarantees the right to freedom of expression and the press, Section 39(2) and (3) however place a limitation on the freedom of expression and the press by ensuring the authorization of the President of the Federal Republic of Nigeria must be required in order to own, establish or operate a television or wireless broadcasting station for any purpose whatsoever and by prohibiting the publication any information received in confidence, that is, matters classified by governments as official secrets or as confidential matters.

Official Secrets Act: The official Secrets Act prohibits the publication of confidential information and matters relating to defense establishments, security installations and other protected places in Nigeria. Similarly, Section 97 of the Criminal Code Act prohibits the disclosure of official secrets and the abstraction of confidential documents. For this therefore, official Secret Act serves as a means of limiting or part of regulating the functions of mass media in Nigeria.

Law of Defamation: The law of defamation is said to be up to sub-divisions such as libel, slander, innuendo, and abuse. Although it is part of the statutes of general application or received English laws, almost all the states of the federation have their defamation laws. A person may therefore be liable for making defamatory statements about another person without justification. In addition, defamation is also a crime and section 373-381 of the Criminal Code Act²¹ and laws prohibits defamation.

Law of Seditious: The offence and penalty as stated in this law is provided in Sections 50 - 60 of the Criminal Code²², and prohibits the publication of seditious matters and other undesirable publications and the carrying out of seditious acts.

¹⁸ *Jameel v. Dow Jones Inc; Al Amoudi v. Brisard* [2007] 1 WLR 113

¹⁹ Bello Madaki Beli and Ashiru Tukur Inuwa, *Media Regulations in Nigeria: The Roadblocks to Freedom of the Press*, Proceedings of the Multi-disciplinary Academic Conference on Sustainable Development Vol. 2 No. 4 July 10 – 11, 2014, M.L. Audu Auditorium, Federal Polytechnic, Bauchi.

²⁰ Malemi, E. (2009). *Mass Media Law: Press Law* (Third Edition). Ijeja: Princeton Publishing Co.

²¹ Cap C38, Laws of the Federation of Nigeria, 2004.

²² *Ibid.*

Law of Contempt: ‘This concept is most often difficult to describe as it has contempt in face of court or out of court’²³. Most jurists however attempted to define contempt as any conduct which tends to bring into disrespect, scorn, the authority and administration of the law or which tends to interfere with and/or prejudice litigants and/or their witnesses in the course of litigation. Law of contempt can therefore be said to put a roadblock to free operations of the mass media in the country.

Obscene and harmful Publication Laws: These laws prohibit the publication of obscene and harmful literatures, articles and acts that are likely to destroy the morality of the public. Criminal law is the main law that prohibits immoral acts and obscene and harmful publications. The Criminal Code Act and laws under Sections 214 - 233(a) prohibits various offences against morality, whilst section 233(b)-(f) specifically prohibits obscene publications and articles. This apart, the Penal Code, the Children and Young Persons Laws, the constitution, and so forth also prohibit obscene and harmful publications²⁴.

Copyright Act: The Copyright Act 2022²⁵ protects copyright work for a copyright owner. Any publication or other act which is an infringement of copyright work, or intellectual property, is wrongful and attracts appropriate sanctions under copyright law.

Advertising Practitioners (Registration, Etc.) Act: The Advertising Practitioners (Registration, Etc.) Act²⁶ regulates the advertising profession and practices in Nigeria and also dealing with the ethical issues concerning the profession. Any person practicing advertising in Nigeria must therefore abide by the provision of the code failure of which a sanction can be enforced on the violation.

National Broadcasting Commission Act²⁷: The National Broadcasting Commission Decree, (now Act) established by the Decree No 48 of 1992 which is amended by the National Broadcasting Commission (amendment) Decree No. 55 of 1999 regulates radio and television broadcast in Nigeria.

Nigerian Communications Commission Act²⁸: The Nigerian Communications Commission is empowered by this Act to regulate all telephone service providers and related activities in Nigeria.

Nigerian Press Council Act²⁹: This law as amended by the Nigerian Media Council Decree No. 85 of 1992 established the Nigerian Press Council. This is the regulatory body aimed at tackling media misdemeanor and interpretation of ethical principles and issues involving the practice of journalism in Nigeria. This law has been repealed and replaced by the Nigerian Press council (Amendment) decree No. 60 of 1999 now Act 2004.

Nigerian Television Authority Act: The Nigerian Television Authority Act³⁰ provides some framework for the regulation of the television stations, under its authority; among other things.

Federal Radio Corporation of Nigeria Act: The Federal Radio Corporation of Nigeria Act³¹ and similar laws in the various states with respect to radio and television stations provide some framework for the regulation of such government owned media.

Professional and Non-Statutory Bodies: Within the mass media in Nigeria, there are professional and non-statutory bodies that provide some form of regulation through the provision and enforcement of professional ethics, or code of conduct. These bodies include The Nigerian Union of Journalists (NUJ); The Nigerian Guild of Editors (NGE); and The Newspapers Proprietors Association of Nigeria (NPAN). Each of these bodies has a constitution and code of ethics regulating members.

6. The Dark Side of Podcasting and the Imperative of Legal Regulation in Nigeria

Podcasts have shown to have a growing listenership over the recent years. As of 2024, there are 464.7 million global podcast listeners. This number is predicted to reach 504.9 million by 2024³². In today’s world, podcasts have become a major source of information on a variety of topics such as politics, current affairs, culture, health, and controversial issues. Surveys have shown that people listen to podcasts while completing mundane tasks such as commuting, and household chores³³. Podcasts have become increasingly popular in recent years, and it seems like everyone and their mom has a podcast these days. From comedy to true crime to politics, there’s a podcast for everyone. But not everyone is thrilled about the podcast boom. Critics worry that podcasts are further ruining society by giving anyone a platform to share their thoughts, regardless of their expertise or qualifications. It is important to note that podcasts may sometimes unintentionally spread misinformation. One such example is when

²³ Obadan O L, *Laws and Ethics in Nigerian Media Practice*” in Omu F I A & Obah G.E. (Ed.), *Mass Media in Nigerian Democracy* (Ibadan: Stirling-Horden Publishers (Nig.) Ltd., 2008) pp. 172-188.

²⁴ Malemi, op cit.

²⁵ This Act repealed the Copyright Act 1990 (Cap C28, Laws of the Federation of Nigeria, 2004).

²⁶ Cap A7, Laws of the Federation of Nigeria, 2004.

²⁷ Cap N11, Laws of the Federation of Nigeria, 2004.

²⁸ Cap N97, Laws of the Federation of Nigeria, 2004.

²⁹ Cap N128, *Laws of the Federation of Nigeria, 2004*.

³⁰ Cap N136, *Laws of the Federation of Nigeria, 2004*.

³¹ Cap F18, *Laws of the Federation of Nigeria, 2004*.

³² Rohit Shewale, *Podcast Statistics For 2024, 2024*. Retrieved online from 13 Podcast Statistics You Need To Know For 2024 (backlinko.com). Accessed on July 26, 2024.

³³ Stephanie J Tobin & Rosanna E Guadagno, *Why People Listen: Motivations and Outcomes of Podcast Listening*, 2022. Retrieved online from <https://doi.org/10.1371/journal.pone.0265806>

Joe Rogan's influential podcast hosted infamous physician Dr. Robert Malone promoting COVID-19 conspiracy theories³⁴. As a result, such podcasts may end up amplifying inaccurate or biased information to their listeners, which can negatively impact society. The democratization of podcasts and the lack of editorial oversight, fact-checking, or accountability mechanisms in the podcasting ecosystem may contribute to the spread of misinformation. Furthermore, podcast users are loyal listeners and this only exacerbates the issue of misinformation unless users are made aware³⁵. This makes the problem of tackling misinformation still an open challenge in audio-based information access systems such as spoken conversational search (where communication between a user and system occurs verbally through audio) and podcasts.

Defamation, which involves making false statements that harm an individual's reputation, and character assassination, which refers to the deliberate attempt to destroy someone's reputation through malicious falsehoods, have become increasingly prevalent in Nigerian podcasts. The anonymity and informality of podcasting allow hosts and guests to make unverified claims without fear of immediate repercussions. This has led to several instances where individuals have been unjustly maligned. One notable example is the controversy surrounding a podcast episode where a purported repentant prostitute and purported realtor Chinwe Splendor came out on Gbam Podcast hosted by Dr. Chijindu Igwendu (Yanbaba) to allege that she has slept with all the Managing Directors of Real Estate Companies in Anambra State. She alleged that 95 per cent of the girls currently involved in the real estate business are 'Hook-Up Girls (Prostitutes)'. According to her, as a lady, if you want to upgrade your prostitution business to the next level, you join the real estate business. She further complicated the broadcast by stating that as a result of her prostitution which started way back when she was in the University, she was not able to attend lectures. Therefore, in order to succeed with her academics, she slept with all her lecturers to be able to pass her course³⁶. This podcast did not go down well with the Real Estate Developers in Anambra State as well as the University community where she graduated from. The allegations were made without evidence, yet the episode went viral, leading to significant reputational damage for the Real Estate Developers and the University Lecturers. Despite the lack of concrete proof, the podcast's wide reach meant that these claims were widely accepted as truth by many listeners. This podcast of course triggered reactions amongst the real estate developers and the lecturers. The Real Estate Developers Association of Anambra State came out to make a press conference denying the allegation and stating that she is not a realtor and that her statement is a lie from the pit of hell³⁷. The University on their part sent her a mail asking that she return her certificate within 48 hours³⁸.

Another instance involved Caramel Plug, a well-known social media influencer and comedian, who recently launched a new podcast with two other influencers, titled 'Rants, Bants and Confessions'. Unfortunately, in the very first episode of the podcast, Caramel made a statement that triggered a strong reaction from many people. During the podcast, Caramel expressed the opinion that women have men in their lives who perform different roles for them and will eventually become submissive to one particular man only when he's able to meet all of her needs, including financial and emotional support. In her words, '*Women have men for everything. The ones who'll give them gifts. The ones who are just there, they just want to sleep with you. We have men for everything. So, if you are coming into a woman's life, and you say, 'I want you to be submissive, I want you to stroke my ego, I want you to do everything' and all of that stuff, you have to be ready to make sure you're ticking all these boxes, you're doing everything for her*'. This view did not sit well with many people, as it appeared to portray women in a negative light, as gold diggers who offer nothing but their bodies in exchange for material support. Twitter users were quick to criticize the podcast hosts for their controversial opinions. Many felt that their views were borderline prostitution and reinforced negative stereotypes about women. The podcast in question provided no verifiable sources for the claims, yet the episode contributed to widespread public distrust and outrage, influencing people's perception of women in a negative way.

These are just to mention but a few. So many other instances abound where many defaming and controversial opinions have been canvassed on this podcast platforms which at the end of the day appears not to be true, thereby

³⁴ Kevin Matthe Caramancion. *An Exploration of Mis/Disinformation in Audio Format Disseminated in Podcasts: Case Study of Spotify*, Electronics and Mechatronics Conference (IEMTRONICS), 2022, pp. 1 - 6. Retrieved online from <https://doi.org/10.1109/IEMTRONICS55184.2022.9795760>.

³⁵ Ute Döring, Barbara Müller, Svenja Rohr, John Ruhrmann, and Melissa Schäfer, *Listen and Read: The Battle for Attention: A New Report About Key Audience Behaviour in the Age of EBooks, Audiobooks and Podcasts*, Publishing Research Quarterly 38, 1 (2022), pp. 40 - 52. Retrieved online from <https://doi.org/10.1007/s12109-021-09853-2>.

³⁶ The Podcast can be accessed on YouTube using the following link; <https://www.youtube.com/watch?v=cMYXwYuKpRw>

³⁷ Izunna Okafor, *Anambra Real Estate CEOs Dismiss Allegation from Repentant Harlot who Claimed She Slept with 95% of them*, 247 U Reports, 11th June 2024. Retrieved online from <https://247ureports.com/2024/06/anambra-real-estate-ceos-dismiss-allegation-from-repentant-harlot-who-claimed-shes-slept-with-95-of-them/>

³⁸ Faith Ajayi, *Sex-For-Marks: Actress Begg as Varsity Demands Certificate's Return*, Punch Newspaper, 15th June, 2024. Retrieved online from <https://punchng.com/sex-for-marks-actress-begg-as-varsity-demands-certificates-return/>

highlighting the dangerous potential of unregulated podcasting in spreading misinformation and harming reputations.

The consequences of defamation and character assassination through podcasts are far-reaching. For individuals, it can lead to severe emotional distress, loss of livelihood, and irreparable damage to personal and professional relationships. Public figures, in particular, are vulnerable to these attacks, which can undermine their credibility and career prospects. Moreover, the spread of defamatory content can erode public trust in the media. When false information is disseminated without consequence, it creates an environment where misinformation thrives, making it difficult for audiences to distinguish between fact and fiction. This undermines the role of the media as a credible source of information and poses a significant threat to the integrity of public discourse in Nigeria. Given the potential harm that can arise from unregulated podcasting, there is a pressing need for legislation to regulate the medium in Nigeria. Currently, Nigeria lacks specific laws addressing the content of podcasts, leaving a regulatory vacuum that has allowed these issues to proliferate. Legislation could address this by establishing clear guidelines for podcast content, including requirements for fact-checking and the responsible handling of sensitive information. For example, laws could mandate that podcasts dealing with allegations against individuals or entities must provide verifiable evidence and give the accused parties a right of reply. Such provisions would help to mitigate the risk of defamation and character assassination while preserving the freedom of expression that makes podcasting an attractive medium.

7. Challenges to the Legal Regulation of Podcasts in Nigeria

The legal regulation of podcasts in Nigeria faces several challenges, which can be broadly categorized into technical, jurisdictional, and policy-related issues. Here are some of the key challenges:

Technical Challenges:

Defining Podcasts: The first challenge is defining what constitutes a podcast. Podcasts can take various forms, including audio, video, and live streams. This diversity makes it difficult to create a comprehensive regulatory framework.

Anonymity and Pseudonymity: Podcasters can remain anonymous or use pseudonyms, making it challenging for regulators to identify and hold them accountable for any violations.

Decentralized Nature: Podcasts are often hosted on various platforms, such as Apple Podcasts, Spotify, or YouTube, which can be operated from anywhere in the world. This decentralization makes it difficult for regulators to track and regulate podcasts.

Ephemeral Nature: Podcasts can be easily deleted or modified, making it challenging for regulators to investigate and prosecute cases involving podcasts.

Jurisdictional Challenges:

Geographical Reach: Podcasts can be accessed globally, making it challenging for Nigerian regulators to determine their jurisdiction over podcasts produced outside Nigeria but accessible within the country.

Cross-Border Issues: Podcasts often involve international collaborations, making it difficult to determine which country's laws apply.

Extraterritorial Jurisdiction: Nigerian regulators may face challenges exercising jurisdiction over foreign-based podcasters or platforms.

Policy-Related Challenges:

Freedom of Expression: Podcasts are a form of expression, and regulating them can raise concerns about censorship and freedom of speech.

Diversity of Content: Podcasts cover a wide range of topics, including sensitive or controversial subjects, making it challenging to develop a regulatory framework that balances freedom of expression with social responsibility.

Industry Growth: The podcasting industry is rapidly evolving, making it difficult for regulators to keep pace with the latest developments and trends.

Lack of Clear Guidelines: The absence of clear guidelines and regulations can create uncertainty for podcasters, leading to self-censorship or avoidance of sensitive topics.

Enforcement Challenges: Regulators may face difficulties enforcing regulations, particularly if podcasters are based abroad or use anonymous or pseudonymous identities.

Balancing Regulation and Innovation: Over-regulation can stifle innovation and creativity in the podcasting industry, while under-regulation can lead to irresponsible content.

8. Conclusion and Recommendations

The dark side of podcasting in Nigeria, characterized by defamation and character assassination, underscores the urgent need for regulation. While podcasting offers a valuable platform for free expression and diverse content creation, its potential for misuse cannot be ignored. Legislative measures are necessary to protect individuals from harm, preserve the integrity of public discourse, and ensure that podcasting remains a constructive force in Nigeria's media landscape. Balancing regulation with the need to protect free speech will be crucial in this endeavor. By drawing on both local and international experiences, Nigeria can develop a legal framework that addresses the unique challenges posed by podcasting, while fostering a media environment that is both vibrant and responsible. The following measures may be helpful:

Development of Clear Guidelines: Regulatory agencies should develop clear guidelines and regulations for podcasters, outlining acceptable content and behavior.

Industry Self-Regulation: Encourage industry self-regulation, allowing podcasters to establish their own codes of conduct and standards.

Capacity Building: Provide training and capacity-building programs for regulatory agencies to enhance their understanding of podcasting and its regulatory challenges.

International Cooperation: Foster international cooperation to address cross-border issues and share best practices in podcast regulation.

Public Education: Educate the public about responsible podcasting practices and the importance of respecting intellectual property rights and social norms.

Review and Update Existing Laws: Review and update existing laws and regulations to ensure they are relevant and effective in regulating podcasts.