

**INFLUENCE OF MEDIA REPRESENTATION OF DELE FAROTIMI VERSUS AFE
BABALOLA CRIMINAL DEFAMATION SUIT ON UNIBEN STUDENTS'
PERCEPTION OF THE LAW**

BY

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**UNIVERSITY OF BENIN,
BENIN CITY, NIGERIA**

AUGUST, 2025

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**A RESEARCH PROJECT SUBMITTED TO THE DEPARTMENT OF MASS
COMMUNICATION, FACULTY OF ARTS, UNIVERSITY OF BENIN, BENIN CITY IN
PARTIAL FULLFILLMENT OF THE REQUIREMENTS FOR THE AWARD OF
BACHELOR OF ARTS (B.A) DEGREE IN MASS COMMUNICATION**

AUGUST, 2025

DECLARATION

This project is based on a study undertaken by me, in the Department of Mass Communication, Faculty of Arts, University of Benin, under the supervision of Dr. Daniel .O. Ekhareafo. All ideas and findings are products of my personal research and where the views of others have been used and expressed, they have been duly acknowledged.

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CERTIFICATION

This is to certify that this research was carried out by OSAZUWA FAITH ONYENWUEWA, MAT NO. ART2101032 of the Department of Mass Communication of the University of Benin, Benin City, Edo State and it is adequate in scope for the award of Bachelor of Arts Degree in Mass Communication.

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STUDENT'S THESIS

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DEDICATION

This project is dedicated to Almighty God, for His mercy, grace and favour. He gave me the strength and courage to go through this programme, in spite of the challenges.

Secondly, to my parents, Mr. Osazuwa Amos and Mrs. Osazuwa Bridget, who have been my rock of motivation and for financial provision and emotional support throughout my stay in school.

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ABSTRACT

The study focused on examining the influence of media representation of Dele Farotimi versus Afe Babalola criminal defamation suit on Uniben students' perception of the law. It is aimed at analyzing the media representation of the Dele Farotimi versus Afe Babalola criminal defamation suit, assessing the perception of Uniben student regarding criminal defamation law in

Nigeria, the influence of media representation on Uniben students' understanding of criminal defamation law and explaining the implications of media representation on Uniben students' attitude toward freedom of expression and protection of reputation. For its theoretical framework, the study adopted the agenda setting and framing theory to further buttress the point of the study. While the stratified random sampling method was used to gather the data used for the study. Findings of the study revealed that Uniben students have negative perception of criminal defamation law and that positive steps have not been taken to balance freedom of speech and protection of reputation. The findings also revealed that Uniben students agreed that they will be cautious of what they post online and they are aware of the potential consequences of defamatory statements and online actions and will take steps to protect themselves from potential legal consequences. The researcher therefore concluded that it is necessary that the law makers review the constitution to balance protection of reputation and free speech in Nigeria. The researcher recommended among other things that the media should ensure balanced and fair reporting and avoid sensationalism and bias. The researcher also recommended that the media should create more awareness about the existence of defamation.

CHAPTER ONE

INTRODUCTION

1.1 Background to the Study

The media as the fourth estate of the society play a crucial role in keeping people aware of significant events and development across local, national and international spheres. Its role extends beyond reporting facts but it also influences how people think about issues and it shapens collective understanding.

With technological advancement and the evolution of journalism, media has become a powerful tool in molding public opinion and making the world a global village. In today's digital age, communication takes place through numerous platforms, including newspaper, magazine, television, radio, social media and others. This abundance of channels means that information on virtually any topic is readily available, allowing individuals to freely access contents that interests them or meets their needs.

In the Nigerian context, media outlets are powerful in influencing the publics' understanding on legal and social-political matters. Mass media organizations are well structured institutions that primarily performs the role of sharing information, fostering social connections, shaping personal identity, educating audiences, entertaining the public, preserving cultural traditions, influencing opinions and raising awareness on important issues.

Asemah & Asogwa (2012), observes that people's thought, conversations and even concerns are largely influenced by what they encounter through mass media in different formats. This influence enables the media to shape public understanding and steer societal response to issues.

Media representation can significantly impact how individuals understand and interpret laws, particularly those that are contentious or subject to public debate. Criminal defamation law exist to safeguard individuals against untrue statements that may damage their personal reputation. Although, these law is meant to protect personal dignity, they have frequently

faced criticism for being misapplied to restrict open speech, especially in matters concerning public figures and political debate.

One of the most precious human right, is the freedom to express one's idea and beliefs. Obaze (2006), states that men are unhappy unless they can freely communicate. In both the Universal Declaration of Human Rights (UNDHR) and International Humans Rights Law, recognizes this liberty as a fundamental right.

According to Article 19 of Universal Declaration of Human Rights, *"Everyone has the right to freedom of opinion and expression. These right incudes to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers"*.

Section 39 (1) of the1999 Constitution of the Federal Republic of Nigeria also captures the right to freedom of expression. It guarantees every individual the liberty to hold opinion abs to access, share and communicate information and ideas without obstruction.

Every individual is free to voice their thoughts, whether through speaking, writing, or publishing, but this freedom carries an obligation to honour the laws that define its boundaries. The right to express oneself is not without limits.

According to the President of the International Court of Human Rights, freedom of expression forms the foundation of any democratic society. It is essential for shaping public opinion and serves as a prerequisite for the growth of political parties, labour unions, cultural and scientific associations and all groups that seek to impact public life.

Notably, the case between Chief Aare Afe Babalola and Dele Farotimi, exemplifies the complexity between law, media and public perception. The controversy stemmed from Dele Farotimi publication of his book *"Nigeria and Its Criminal Justice System"*, which presented a

critical analysis of Nigerian's judiciary legal system, which led to Babalola initiating criminal libel proceedings against Farotimi in December, 2024. The litigation gave birth to numerous media coverage and public discourse regarding criminal defamation laws, raising important questions about libel, self-publishing and the ethical responsibility of writers and authors in ensuring the integrity of their work.

This study examined how media portrayal of the Dele Farotimi and Afe Babalola case has influenced the understanding and perception of University of Benin Students regarding criminal defamation law. It is therefore against this background that this study aims to investigate the media's role in cultivating legal awareness among young and educated Nigerians, particularly within the university environment.

1.2 Statement of the Problem

The mass media are platforms that connects people worldwide daily. Millions of conversations happen through the different channels of communication. It is a place where ideas are shared with others who have similar interest or work in related areas. It is where feedback is openly given, partnerships are formed, and new initiatives are introduced. The media are one of the most powerful for shaping how people perceive the world. Media representation is not just about visibility, it is about how identities, stories, and experiences are depicted and the impact these portrayals have on audiences and societies and a whole.

In Nigeria, Criminal defamation law has been a subject of debate with many critics contending that such law is frequently applied to suppress opposing voices and discourage criticism. In the case of Farotimi, who criticized the judicial system, many in the public viewed the lawsuit filed by Afe Babalola as an act of legal intimidation. The media representation of this

case may have contributed to a narrative that defamation laws are used by the elite to suppress free speech and protect reputations, regardless of the underlying truth.

On December 3rd, 2024, a tweet was made by SERAP (Socio-Economic Right and Accountability Project), “The Tinubu administration must immediately activist Dele Farotimi who is reportedly arrested for alleged defamation. Nigeria authorities should not be using criminal defamation laws to turn critics into criminal and undermine freedom of expression”. Freedom of expression is acknowledged as a core human right recognized both internationally and within Nigeria. It plays a crucial role in sustaining democracy by enabling people to voice their opinions, challenge government decisions and demand accountability for those in authority.

However, this freedom is not without limits. It is frequently weighted against competing concerns, including safeguarding reputations, preserving public order and curbing incitement to hatred. Farotimi’s critique of systematic corruption within the judiciary represents a form of public discourse that democratic societies typically value, yet the criminal defamation charges suggest limit to such expression. In the digital age, the media acts as primary spaces for public discourse, but they often lack the necessary rigor to fully analyze or educate the public on legal matters.

Several cases of criminal defamation laws have been discussed on various media platforms with individuals from the legal field and those outside and across Nigeria offering opinion to the case without understanding the legality of criminal defamation. There have been series of misinterpretation of the law. Influential figures and celebrities increasingly show their influence through the number of followers they have on their social media platforms like X, Facebook, Youtube, Instagram, TikTok and break news via live tweet acting like journalists, by

creating content. A number of social media site has been utilized for a variety of purpose in recent years. The new media and journalists have widely profited from this.

Media ownership plays an important role in shaping how criminal defamation cases are handled, reported and perceived. The owners of media organizations can influence how defamation matters unfold. Their authority often affects editorial direction, independence of journalists, expressive freedoms and internal policy. These areas can be influenced through choices about coverage, newsroom governance and corporate norms.

Most media outlets present legal cases in a sensationalized manner, focusing more on the personalities involved than on the legal principles at stake, thereby reducing the complex nature of the law to mere accusation and counter-accusation. This sensationalism can lead to misunderstanding among students, reducing their ability to engage with the true nature of criminal defamation law.

Therefore, the purpose of this study was to examine the influence of media coverage of Dele Farotimi and Afe Babalola on the perception of Uniben students on criminal defamation law. This research will contribute to the deeper understanding of how media representation influence the legal consciousness of Uniben students.

1.3 Objectives of the Study

The following goals serves as the study's direction, which are to;

- i. Analyze the media representation of the Dele Farotimi vs Afe Babalola case and its coverage of criminal defamation case.
- ii. Assess the perception of Uniben students regarding criminal defamation law in Nigeria.

- iii. Examine the influence of media representation on Uniben students' understanding of criminal defamation law.
- iv. Explore the implications of media representation on Uniben students' attitudes towards freedom of expression and protection of reputation.

1.4 Research Questions

Based on the above objectives, the following research questions were raised for the study;

- i. How did the media represent Dele Farotimi vs. Afe Babalola criminal defamation case?
- ii. What is the perception of Uniben students regarding criminal defamation law in Nigeria?
- iii. How has media representation of the Farotimi-Babalola case influenced Uniben students' understanding of criminal defamation law?
- iv. What are the implications of media representation for students' attitude towards freedom of expression and the protection of reputation?

1.5 Significance of the Study

This study would provide clarity on the legal, social and ethical implication of the defamation laws, helping society and students better understand their purpose and potential uses. It will be beneficial to journalists, writers, authors, media organization, government and the society at large to know the implication of defamation and the defenses to it.

This study would highlight the importance of protecting democratic value in Nigeria. It would contribute to informed public discourse on the balance between freedom of expression and the protection of reputation.

It would also help the government build public trust in the justice system and media institutions. This study is equally important to media policy, media professional and the general public as it would raise awareness about the media's power to shape public opinion and its

responsibility to provide balanced and accurate coverage. It would help students understand how media framing works and how to discern biased or misleading information.

Furthermore, it is beneficial to future researchers, students and society as it would equip them with the knowledge and awareness needed to advocate for reforms in criminal defamation law. Lastly, this study will make a valuable contribution to academic knowledge. The findings would serve as a reference to future studies on related topics.

1.6 Scope of the Study

The study focused on how media representation influences the perception of criminal defamation law among Uniben students, using the case of Dele Farotimi vs. Afe Babalola. This work is limited to the students of the University of Benin, Nigeria.

1.7 Operational Definition of Terms

Definition of topics and words that are commonly used in this course, are necessary for a better understanding of how they are employed. These words comprises;

- i. **Criminal Defamation:** This refers to a crime that occurs when someone shares false information about another person in a way that harms their good name or public image and it is punishable under criminal law.
- ii. **Freedom of Expression:** This is the right of individuals to share their thoughts and beliefs openly, without undue interference, control, or punishment from authorities or others.
- iii. **Media:** This refers to the different means through which information, news, and entertainment is shared with the public. It covers conventional outlets, such as newspapers, radio, television as well as digital media like Facebook, Instagram, TikTok, X (formerly Twitter) etc.

- iv. **Media Representation:** Simply refers to the way the media portrays or depicts certain events, people or issue.
- v. **Perception:** This is how something is viewed, understood or interpreted. The goal of this study is to explore Uniben students' perception on criminal defamation based on media representation.

CHAPTER TWO

LITERATURE REVIEW

2.1 Preamble

This chapter entails the review of related literature material that is related to the influence of media representation on public perception, with a specific focus on criminal defamation law and the case involving Dele Farotimi and Afe Babalola. The researcher presents a concept of necessary literature, beginning with an exploration of criminal defamation law globally and in Nigeria, and critically analyze the role of the media in shaping public perception. The chapter also examines the theoretical frameworks relevant to the study. As a result of this, the following headings will be discussed in this chapter.

2.2 Historical Review

2.2.1 History of Criminal Defamation Law in Nigeria

2.2.2 Concept of Defamation

2.2.3 The Concept of Freedom of Expression

2.3 Opinion Review

2.3.1 Criminal Defamation Law in Nigeria

- 2.3.2 Types of Defamation
- 2.3.3 Case Study of Dele Farotimi vs. Afe Babalola
- 2.3.4 Limitations to Freedom of Expression in Nigeria
- 2.3.5 Internet Defamation and the Ethics of Self -Publishing
- 2.3.6 Defenses to Defamation Laws
- 2.3.7 Role of Mass Media in Shaping Public Perception on Criminal Defamation Law in Nigeria
- 2.3.8 Attitude and Understanding of Youths Towards Criminal Defamation Law
- 2.4 Review of Empirical Studies
- 2.5 Theoretical Framework
- 2.6 Summary of the Chapters

2.2.1 History of Criminal Defamation Law in Nigeria

Criminal defamation law in Nigeria began during the colonial era. The Criminal Code Act of 1916, introduced under the administration of Lord Lugard, borrowed directly from English law and established criminal libel and sedition offenses. These laws were not created to protect ordinary citizens but to prevent criticism of colonial officials and keep control over the people. Nationalists who spoke out against colonial rule, including members of Zikist movement, were arrested and jailed under these laws simply for demanding independence.

Even after Nigeria gained independence in 1960, the new government retained many repressive colonial laws. In one of the earliest cases, *Chike Obi V. Dpp* (1961), the Supreme Court ruled that sedition laws could still be used in a democratic society. This decision allowed criminal defamation laws to remain in force and be used by government to silence criticism.

During military rule, these laws became even stricter. Journalists and activists who challenged the government were often detained, newspaper houses were shutdown and some individuals were even exiled or killed for their writings. A notorious example was Decree No. 4 of 1984, known as the Protection Against False Accusations Decree, which punished journalists for publishing information considered embarrassing to government officials. Trials under this decree were held in military tribunals and appeals were not allowed.

With the return of democracy in 1979 and later in 1999, the Nigeria constitution recognized freedom of expression as a fundamental right. Courts also began questioning the fairness of criminal defamation law. In the case of *Arthur Nwankwo v. State* (1985), the court of appeal ruled the using of sedition laws to suppress criticism as unconstitutional in a democracy. This case encouraged ongoing debate about reforming these outdated colonial laws.

In early 2000s, Nigerian journalists and civil society groups began openly criticizing criminal defamation law as oppressive. Gbenga Aruleba and Rotimi Durojaiye, two journalists with African Independent Television (AIT) were charged with defaming President Olusegun Obasanjo. Public outcry led to their eventual acquittal, but the case reinforced fears of political misuse.

Today, criminal defamation is still part of Nigeria law, existing under two main codes: The Criminal Code used mostly in the Southern States and the Penal codes used mainly in the Northern States, where Islamic and customary laws are more common.

While the law is technically meant to protect people's reputation and preserve public order, their enforcement has frequently curtailed press freedom, silenced dissenting voices and created fear among citizens and journalists. Akinkugbe (2024), concluded in the *African Human Rights Law Journal* that Nigeria's retention of criminal defamation contradicts its constitutional

free speech guarantees and regional human rights obligations. In a democratic society like Nigeria, such outcomes undermine transparency, accountability and participatory governance. The global shift towards the decriminalization of defamation highlights the urgent need for Nigeria to reconsider its position and move towards civil remedies that balance the right to reputation with the protection of free speech.

2.2.2 The Concept of Defamation

Defamation in legal terms refers to making or sharing false statements about a person in a way that harms his/ her reputation. In Nigeria, Section 373 of the Criminal Code Act (2004), explains it as any expression whether spoken, written or conveyed through signs, sounds, or other means that could expose a person to hatred, contempt, or ridicule or damage their standing in a profession or trade. Such statements can be made directly or indirectly, including through insinuation or irony and the law applies whether the person concerned is alive or deceased. However, a criminal case for defamation cannot be initiated without the consent of the Attorney - General

It is important to note that the law seeks to protect reputation, not character. Character refers to who a person truly is, while reputation reflects how they are perceived by others. A person may possess good character yet suffer a bad reputation due to unjust public judgment, or they may have flawed character while enjoying a favorable reputation, presenting a misleading image to the public.

In the case of *Benue Printing and Publishing Corporation v. Gwagwada* (1989), cited in Obarisiagbon & Obarisiagbon (2018), "the supreme court defined defamation as any imputation which may tend to lower the plaintiff in the estimation of right thinking members of the society generally, cut him off from the society and expose him to ridicule". The phrase "right thinking"

members of the society refers to individuals who are reasonable in judgement rather than those who act with bias or irrationality.

Nwabueze (2014), asserts that defamation occurs when a person's reputation is damaged through spoken or written statement that portray them or an organization in a way that lowers their standing in society, exposes them to mockery or harms how the public sees them.

However, since the right to reputation is contingent on its being well-founded, it is not violated by truthful assertions. However, the law rightly presumes any damaging claim standard of proof to overturn this presumption, it also acknowledges the human tendency to believe negative allegations based on minimal evidence. As such, statements that sway public opinion in this manner are presumed to have such an effect. The core of legal action lies in the injury to reputation; specific damages serve merely as evidence of this loss and are only necessary when it is not otherwise apparent that the reputation has been harmed. Nonetheless, the injury must be significant- that is measurable and capable of being evaluated by a jury. Consequently, no legal action can be pursued for mere vulgar insults or for words that have caused no substantial harm in following the principle, "de minimis non curat lex- the law does not concern itself with trifles".

2.2.3 The Concept of Freedom of Expression

Freedom of expression stands as one of the most universally acknowledged and safeguarded fundamental rights. Notably, the constitutions of majority of the countries worldwide, including Nigeria, explicitly enshrine provisions to protect this right, and its relevance in enhancing personal liberty and democracy.

This right is enshrined in Section 39 of the 1999 Constitution of the Federal Republic of Nigeria, which guarantees that *"every person is entitled to freedom of expression, including the freedom to hold opinions and to receive and impart ideas and information without interference"*.

At the international level, Nigeria is a signatory to key human rights instruments, including Article 19 of the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights, both of which affirm the centrality of free expression to human dignity and personal fulfilment.

Article 19 of the International Covenant on Civil and Political Rights provides for the right to freedom of expression as follows: *“Everyone shall have the right to hold opinion without interference, everyone shall have the right to freedom of expression: this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or print in the form of art or through any other medium of his choice”*.

The essence of freedom of expression becomes elusive if individuals are unable to share their view points or opinions with others in society. Osita Eze (1999), asserts that "freedom of expression is of great importance to human race, as free exchange of ideas tends to promote societal development, whereas its suppression often leads to conflict and instability". A functioning democracy relies on the rule of law and the acknowledgement of diverse perspectives.

However, no legal system treats this right as limitless. For instance, prohibitions on hate speech, incitement to violence, and defamatory statements are designed to prevent tangible harm while still respecting the principle of open dialogue. Achieving a fair balance between individual liberty and the prevention of harm remains one of the most delicate responsibilities of lawmakers and courts.

The rise of digital communication has reshaped how freedom of expression is exercised, offering both opportunities and challenges. Social media and other online platforms allow individuals to share their ideas instantly with audiences around the globe, creating new spaces

for debate and activism. Yet, these same tools can also facilitate the rapid spread of false information, hate speech, and online harassment. This shift has brought increased attention to the dual role of governments and private corporations in moderating digital content and protecting open discourse in the virtual sphere.

In essence, freedom of expression is not solely a matter of legal protection but also a cultural commitment to respectful dialogue and the free exchange of ideas. For good governance to thrive, there must be an unrestricted exchange of ideas between the people and their government. Societies that wish to uphold democratic principles must work continuously to preserve this freedom, especially during periods of political tension, social upheaval, or rapid technological change. Laws, institutions, and social values must work together to create an environment where diverse voices can be heard and where truth emerges through open and respectful engagement.

2.3 Opinion Review

2.3.1 Criminal Defamation Law in Nigeria

In Nigeria, the law on criminal defamation is governed by the Criminal Code in the Southern region and the Penal Code in the Northern region. Section 375 of the Criminal Code specifies that, “subject to the provisions of this chapter, any person who publishes any defamatory matter is guilty of a misdemeanor and is liable to imprisonment for one year and any person who publishes defamatory matter knowing it to be false is liable to imprisonment for two years”.

Under Section 373 of the Nigeria's Criminal Code, defamation is described as any statement or representation capable of lowering a person's reputation in the eyes of others, making them despised, mocked or socially shunned. It also includes anything that could harm their credibility or livelihood in their profession, business or trade.

Criminal defamation cases differ significantly from civil defamation claims. In civil proceedings, proving the truth of the statement is generally enough to serve as the defense. However, in criminal defamation matters, the burden on the accused is heavier than in civil cases. It is not enough to simply establish that the statement made was true, but they must also show that the disclosure served the public interest. This additional requirement has led to debates about whether the current form of criminal defamation is still appropriate. Many argue that damage to the person's reputation can already be adequately remedied under civil defamation provisions. They suggest that criminal sanctions should be reserved for situations where the defamatory remarks are accompanied by a criminal purpose, such as using them to blackmail or extort someone. In such instances, the offense lies not merely in the harmful statement but in the underlying criminal motive.

Courts play a crucial role in safeguarding fundamental rights while balancing competing interests. In weighing free expression against reputation protection, courts generally prioritize the right to speak freely as a core constitutional right, requiring strict scrutiny of any restrictions. In the *Sunday Times* case, the European Court of Human Rights stressed that exceptions to free speech must be interpreted narrowly. Consequently, in defamation matters, the claimant carries the burden of showing that the circumstances are serious enough to warrant curtailing the defendant's speech. Nigerian courts have consistently demonstrated judicial courage in balancing these interests, even during military rule.

2.3.2 Types of Defamation

Defamation law varies significantly across jurisdictions, but generally recognizes two primary categories: Libel and Slander

- **Libel:** The Collins English Dictionary 12th Edition (2014), cited in Obarisiagbon & Obarisiagbon (2018), defined libel as “a written statement which wrongfully accuses someone of something and which is therefore against the law”. This indicates that libel involves publishing false written or printed material such as books, newspapers, or magazines that unlawfully harms an individual’s reputation.

According to Ewelukwa (2004) cited in Obarisiagbon & Obarisiagbon (2018), the concept of libel extends beyond the traditional view of defamation in written form. It encompasses any false and harmful statement preserved in a permanent medium—whether through text, recorded videos, photographs, crafted figures, or similar representations. In legal terms, libel is recognised as a tort in which the originator of the statement injures another person’s reputation, credibility, or moral standing. While it is commonly associated with written communication, the offence can also be committed through other enduring formats capable of causing reputational harm.

A key distinction of libel is that the claimant is not required to demonstrate specific financial or material loss before initiating legal proceedings. In such instances, the very act of making the defamatory content available to others is sufficient to establish legal responsibility.

In the *Guardian Newspaper Ltd and Michael Simire v. Rev. Pastor C.I. Ajeh* (2011), the supreme court emphasized procedural rigor in libel cases, ruling: “in cases of libel, pleadings are of tremendous importance, and so the claimant who claims that an article is libelous of him must produce the whole article verbatim or the particular passage he complains of his plea, no matter how long the article is, it must be reproduced”.

Libel can be classified as criminal and civil. Criminal libel involves defamatory content that exposes an individual to hatred, contempt, ridicule, or professional harm. Civil libel shares same elements but seeks monetary compensation rather than punitive measures. As noted by

Falana (2017), cited in Obarisiagbon & Obarisiagbon (2018), criminal libel carries a penalty of one year's imprisonment, whereas civil suits focus on redress through damages.

To succeed in a libel action, the claimant must first prove that the alleged defamatory statement was published to a third party. Publication occurs when defamatory material is communicated to someone other than the subject. Admissible the evidence must support this claim. Notably, sending a libelous statement directly to the person defamed does not constitute publication for legal purposes. However, unrestricted online statements qualify as published, post on social media, an email, a website update, or even a publicly displayed notice can meet this requirement.

The second essential element is that the word referred to the claimant. The plaintiff need not be explicitly named if reasonable individuals familiar with them would recognize the reference. The legal test is whether the words, under the circumstances, would lead those acquainted with the claimant to believe they were the subject.

The third element is that the word complained of are defamatory. The critical factor is how a third party perceives the claimant's reputation based on the statement, not the claimant's own view. Successful defamation claims require evidence of a third party's reaction to the publication.

- **Slander:** Slander is recognized as one of the most serious verbal transgressions an individual can commit, involving the false accusation of an innocent party and the malicious destruction of their reputation. Legally defined, slander constitutes a false and defamatory oral statement or other non- permanent forms of communication such as gestures, sounds, signs, or facial expressions that harms another person's reputation. This includes non-verbal defamation, such as the manual language used by the deaf and dumb, which may involve mimicry or gesticulation.

In certain cases, slander is considered actionable per se, meaning the plaintiff need not prove special damages. This applies when statements falsely impute criminal conduct, professional incompetence, contagious or socially stigmatized diseases, sexual misconduct and others.

However, establishing slander becomes significantly more challenging when no existence of special damages exists. A distinct category of slander exists under the classification of vulgar abuse. Not all offensive language qualifies as slanderous; its legal status depends on contextual factors. For instance, heated exchanges during arguments may not constitute vulgar abuse unless the circumstances demonstrate malicious intent.

The determination of whether vulgar abuse rises to the level of slander hinges on contemporary societal standards, specifically whether a reasonable person would interpret the language as defamatory. Notably, written vulgar abuse is presumptively slanderous, as the deliberate act of writing implies premeditation, unlike spontaneous verbal outbursts.

2.3.3 Case Study of Dele Farotimi Vs. Aare Afe Babalola

The legal dispute between Nigerian lawyer and activist Dele Farotimi and respected Senior Advocate of Nigeria Aare Afe Babalola drew considerable public interest due to its implications for defamation law, cybercrime legislation, and the boundaries of free expression. The matter arose after Farotimi made certain public statements which Babalola considered defamatory, claiming they damaged his reputation and integrity.

As a distinguished Nigeria jurist, philanthropist and founder of Afe Babalola University, Chief Afe Babalola argues that these defamatory statements have caused harm to his name as well as his profession and other professionals like Oyekan Abdullahi, Lawal Pedro SAN, Olu

Daramola SAN, Atilade O, S.B Joseph, his law firm; Afe Babalola & Co and the Nigerian judiciary system as a whole. He filed a petition seeking Farotimi's disbarment.

Dele Farotimi independently published his book, "*Nigeria and Its Criminal Justice System*" on the 2nd of July, 2024 and it rose to prominence as an Amazon Best Seller. Initially experiencing modest sales, the work gained significant attention following Farotimi's arrests, sky rocketing to the top of the elections category and achieving best seller's status on Amazon under 24 hours.

Afe Babalola obtained a court order to ban Farotimi's book on Amazon. However, when Amazon received the letter, they stated that they have adapted policies to allow for the removal of offensive contents, including contents that Amazon determines, "hate speech, promotes the abuse or sexual exploitation of children, contains pornography, glorifies rape or pedophilia, advocate terrorism, but also other materials (they) deem inappropriate..."

They clearly stated that the book written by Dele doesn't fall under any of these reasons and can't be retracted forcefully unless Dele Farotimi goes ahead to do it himself. Afe Babalola wrote to LPDC, asking them to debar Dele Farotimi from the league of lawyers. They categorically stated that Dele Farotimi didn't defame him in the court of law, but it was done outside the specification of the court.

Chief Afe Babalola SAN, cited 31 excerpts from the book, including one accusing him of corrupting the Nigerian Supreme Court to procure a fraudulent judgement in the case of Major Muritala Gbadamosi & Ors v. HRH Oba Tijani Akinloye and Ors, also known as the Gbadamosi Eletu Case.

On the 3rd of December, 2024, Nigerian lawyer and activist Dele Farotimi was arrested in Lagos by the Nigerian Police Force, after a petition was submitted by Aare Afe Babalola, a

Senior Advocate of Nigeria. The arrest was swiftly followed by his transfer to Ekiti State, where he was to face legal action over allegations of defamation and offences under the Cybercrimes Act. This act raised concerns about due process by influential figures. CCTV footage of this arrest showed an aggressive approach more suited to apprehending a dangerous criminal, sparked wide spread criticism on various communication channels. It raised caused series of argument and concerns on the media space, as a number of Nigerian did not understand why he was moved to Ekiti State when the offense was committed in Lagos state. Observers argued that such tactics are not only disproportionate but also highlight broader issues of inequality in the administration of justice.

In the case of *Daramola v. AG, Ondo State (2000)*," the court held that in an action for libel, the proper venue for adjudication of the matter is where the cause of action originated: that is where the alleged libel was published and not necessarily where the defendant resides".

However, in a panel interview anchored by Felicity Ezewuiké on News Central, a Professional Lawyer, Liborous Oshoma, avers that Dele Farotimi was extradited to Ekiti State because the "offense was committed at large", and wherever the book has been perceived and read has the jurisdiction to try the matter, especially for defamation.

In an opinion piece for Daily Trust, Jim Ibrahim contends that defamation ought to be addressed strictly as a civil issue. He references Section 4 of the Police Act 2020, which outlines that the police should not intervene in matters that are purely civil in nature. Ibrahim takes issue with the application of criminal defamation provisions in Farotimi's case, suggesting that Afe Babalola should have sought redress solely through civil proceedings instead of involving the criminal justice system and law enforcement agencies.

On Friday, December 6th, 2024, the office of the Inspector General of Police (IGP), represented by S.O Osubi, filed 12 counts of Cybercrime charges against Mr. Farotimi at the Federal High Court in Ado-Ekiti. The new charges, outlined in court documents, accuse Farotimi of knowingly transmitting false information during an online interview on the Mic Podcast hosted by Seun Okinbaloye. These charges alleged criminal defamation and violations under Nigeria's Cybercrimes Act, marking the case as both a civil and criminal matter.

During the interview, Dele orated "Aare Afe Babalola corrupted the Judiciary" and intentionally disseminated cum containing false information with the purpose of inciting a breakdown of Law and Order, thereby violating Section 24 (B) of the Cybercrimes (Prohibition, Prevention etc.) Act 2015.

December 6th, 2024, Senior Advocate of Nigeria (SAN) Kehinde Ogunwumiju, initiated a defamation lawsuit against Farotimi concerning statements made in his book, *"Nigeria and Its Criminal Justice System"*. Ogunwumiju, who served as a Managing Partner at Afe Babalola & Co, sort 500 Million Naira in damages and petitioned the Federal Capital Territory(FCT) High Court in Abuja to prohibit the sale of the Book and confiscate all existing copies. Additionally, he demanded a public apology to be published in two National Newspapers. He complained that the words used by Farotimi, "are not only false but also malicious, reckless and defamatory"

Shortly, thereafter, On December 11th, 2024, another Lawyer from Afe Babalola's Firm, Mr. Ola Faro, filed a separate defamation suit at the Rivers State High court in Port Harcourt. Faro alleges that Farotimi made defamatory claims against him, Babalola, and their law firm. In this case, Faro sort for 500 million in damages, along with an additional 100 million for the distribution of the book.

Following his arraignment, the Ekiti State Magistrate's Court approved Farotimi's bail application on December 20, 2024. The terms included posting a ₦30 million bond, providing two sureties; one of whom had to own property within the jurisdiction, surrendering his Nigerian passport and refraining from granting media interviews while the case was ongoing.

The major turning point in the dispute between Farotimi and Babalola occurred on Sunday night, January 26, 2025. On that evening, the Ooni of Ife, together with several prominent Yoruba monarchs, visited Ado-Ekiti to meet Aare Afe Babalola. Their goal was to appeal for reconciliation, emphasizing the cultural values of respect and forgiveness between senior and junior members of society. During this meeting, the traditional leaders encouraged Babalola to withdraw the criminal case against Farotimi. Acknowledging their counsel and the cultural significance of the intervention, Babalola agreed to drop the suit. This marked a critical moment in the resolution of the conflict outside the formal court system.

Farotimi's assertions implicate not only Babalola but also the broader Nigerian judiciary, questioning its fairness and integrity. While Farotimi may have aimed to expose corruption, the tone and nature of his claims have led to legal repercussions, with Babalola filing a defamation suit to protect his reputation.

2.3.4 Limitation to the Freedom of Expression

In Nigeria, the right to freedom of expression is enshrined in Section 39 of the 1999 Constitution (as amended), which allows individuals to share opinions, communicate ideas, and access information freely. However, this right is not unrestricted. Additionally, Section 45(1) grants the government the authority to impose limitations when it is necessary to protect public safety, maintain social order, uphold moral standards, or safeguard the rights and reputations of

others. These restrictions exist to ensure that freedom of expression is exercised responsibly without threatening societal harmony.

One major area where speech may be restricted is national security and public order. Expressions that incite violence, promote terrorism, or advocate for rebellion are not protected, as they can endanger citizens and disrupt societal stability. Likewise, defamation laws limit speech that could harm an individual's reputation or professional standing. While constructive criticism is permitted, spreading false or unverified claims about someone can attract legal consequences, ensuring that personal dignity is respected.

Other forms of restricted speech include hate speech, incitement to discrimination, and morally offensive content. Statements that target individuals or groups based on religion, ethnicity, gender, or other protected characteristics are prohibited to preserve societal peace. Similarly, indecent or pornographic content that may harm the public, particularly minors, can be regulated. Public health also justifies limiting certain speech; misinformation regarding diseases, vaccines, or treatments can be curtailed to prevent panic or harm. Additionally, court-related restrictions may be imposed to ensure justice is not compromised, such as prohibitions on publishing sensitive information about ongoing trials.

Internationally, these principles align with Article 19(3) of the International Covenant on Civil and Political Rights (ICCPR), which emphasizes that freedom of expression carries responsibilities. The article states: "The exercise of the rights provided for in paragraph 2 of this article carries with it special duties and responsibilities. It may therefore be subject to certain restrictions, but these shall only be such as are provided by law and are necessary:

(a) For respect of the rights or reputations of others;

(b) For the protection of national security or of public order (ordre public), or of public health or morals."

As noted in A History of Free Speech Timeline (2010), this broad definition underscores that certain areas may still impose restrictions or prohibitions on freedom of speech or expression. these include "libel, slander, obscenity, pornography, sedition, incitement, fighting words, classified information, copyright violations, trade secrets, food labeling, non-disclosure agreements, the right to privacy and dignity, the right to be forgotten, public safety and perjury".

Two recent incidents in Nigeria illustrate how these limitations operate in practice. The #EndSARS protests in October 2020 began in Lagos on October 8 and spread to multiple states, including Oyo, Ogun, and Abuja, in response to police brutality. While the protests were largely peaceful, the situation escalated on October 20, 2020, when soldiers opened fire on unarmed protesters at the Lekki Toll Gate, resulting in deaths and injuries. Prominent voices like Omoyele Sowore and Dj Switch faced persecution for speaking out. Human right organizations (Amnesty International, SERAP) condemned the crackdown as excessive, arguing that the state weaponized legal restrictions to suppress dissent rather than protect public safety.

Similarly, the 30-Day Rant Challenge initiated by NYSC member Raye's viral video on TikTok video criticizing President Bola Tinubu's administration and labelling President Tinubu "a terrible president", on March 16, 2025. Her follow up video revealed a threatening call from a female NYSC board member demanding she retract her statements, sparking nationwide outrage. In response, Nigerian youths launched the #30daysRantChallenge—a daily social media protest where citizens voice grievances about the governance and the economic state of the country. The campaign quickly went viral, but authorities responded by denying Raye her NYSC certificate and issuing warnings. This demonstrates how the government may restrict social media

expression that it considers threatening to public order, illustrating the practical application of Section 45(1) of the Nigerian Constitution.

A society that fears criticism is one that fears progress. Citizens are legally entitled to criticize the government, yet those who do often face official coercion, legal threats or public backlash. While freedom of expression is vital for democracy, Nigeria's limitations often serve political interests rather than public good.

2.3.5 Internet Defamation and the Ethics of Self-Publishing

The internet has revolutionized communication, making defamation easier to commit and amplifying its impact due to its vast reach and near-limitless publication capacities. Accessible to millions worldwide, the internet allows individuals to communicate anything about anyone to a global audience. Users express themselves through various platforms, including blogs, personal or corporate websites, chatroom and news sites.

The internet defies traditional categorization of defamation as libel or slander based on the form of publication. While online statement shares some traits with traditional communications, they also have unique features. The Ontario Court of Appeal, in *Toronto Star Newspapers Ltd v. Canada*, noted that the internet undermines the efficacy of publication bans in criminal trials due to its permanence and accessibility. Once posted, online content can persist indefinitely, yet it can also be removed without a trace. Proving defamation in a cyberspace presents several challenges. Understanding the governing principles under multiple legal systems are necessary. Nigeria laws align with the position in England in this regard. Despite efforts to modernize English conflicts of torts law, defamation remain governed by the traditional common law rule under Section 13 of the Private International Law (miscellaneous Provision) Act 1995.

Self-publishing is the practice where an author takes full responsibility for creating and sharing their work with readers, without relying on conventional publishing companies to handle the process. Self-publishing in Nigeria has grown significantly due to the rise of digital platforms like OkadaBooks, Amazon, Kindle Direct Publishing (KDP), Lulu and Smashwords. Nigeria authors such as Chimamanda Ngozi Adichie have inspired many to tell their stories.

The rise of self-publishing has democratized the dissemination of ideas, but it also raises questions about accountability and ethical standards, particularly regarding defamation and misinformation. Unlike traditional publishing, which often involves peer review, fact-checking and legal vetting, self-publishing places the responsibility for content solely on the author. This lack of oversight can lead to publication of unverified or inflammatory material.

Reputable publishers adhere to rigorous ethical standards to ensure the accuracy and integrity of their publications. In contrast, self-published works may bypass these safeguards, potentially exposing authors to legal risks and undermining public trust. Farotimi's book which makes serious allegations against prominent figures and the judiciary, highlights the importance of ethical publishing practices. By prioritizing accuracy, fairness, respect for privacy and accountability, self-publishers can avoid defamation and contribute positively to Nigeria's literacy and media landscape.

2.3.6 Defenses to Defamation

In the dynamic arena of communication, words wield the power to inform, inspire, and influence, the thin line between freedom of expression and reputational harm is often tested. Defamation, a legal minefield for journalists, bloggers, and content creators, poses significant challenges in Nigeria's vibrant media space. Yet, the law does not leave communicators

defenseless. Armed with robust legal safeguards, those who act in good faith can navigate this complex terrain with confidence.

Under the law, a claimant has the right to initiate legal action against a defendant if they reasonably believe that the defendant has made defamatory statements causing harm to their reputation and character, to the point where they are shunned or avoided by their peers. In such instances, the defendant may face a defamation lawsuit. However, the defendant is afforded several legal defenses that can challenge the validity of the defamatory claims and potentially nullify the claimant's case. These defenses are:

- **Plea of justification:** The plea of justification, often referred to as the defense of truth, is regarded as one of the strongest defenses in defamation law. Under this defense, if the defendant can demonstrate that the allegedly defamatory statement is substantially true, the claim for defamation fails. The rationale is that the law does not punish the dissemination of true information, even if it harms someone's reputation. The claimant in such cases bears the burden of proving the falsity of the statement, while the defendant seeks to establish its factual accuracy.
- **Absolute Privilege:** Absolute privilege grants total immunity from defamation claims in specific contexts, regardless of the statement's accuracy or intent. This defense applies to communications made in the course of certain official duties, where public interest demands that individuals speak freely without fear of legal reprisal. Typical scenarios include statements made during judicial proceedings, parliamentary debates, or official governmental communications. For instance, judges, lawyers, and witnesses speaking in court enjoy absolute protection to ensure that justice is administered without obstruction or intimidation. The policy rationale behind absolute privilege is that certain public functions require open and uninhibited communication. Nigerian law, including provisions under various state defamation statutes,

recognizes the necessity of this defense to promote transparency, accountability, and the rule of law.

- **Qualified Privilege:** Qualified privilege offers conditional protection against defamation claims when the defendant makes statements in situations where they have a legal, moral, or social duty, and the recipient has a corresponding interest in receiving the information. Unlike absolute privilege, qualified privilege can be defeated if the claimant proves that the statement was made with malice. This defense applies in several practical scenarios in Nigeria, including:

- i. **Employment References:** Employers providing honest feedback about employees' performance to potential employers.

- ii. **Official Reports:** Public officers reporting on governmental or organizational proceedings.

- iii. **Media Reporting:** Journalists conveying accurate information on public issues or official events.

- iv. **Private Communications:** Statements made in good faith to protect the interests of others, such as warning friends or colleagues about potential dangers.

Qualified privilege encourages the free flow of information in socially important contexts while ensuring that malice or reckless intent does not go unchecked.

- **Public Interest/ Fair Comment:** The defense of fair comment protects opinions expressed on matters of public interest. It allows individuals, particularly journalists and commentators, to critique public figures, policies, or events without incurring liability, provided that the opinion is honest, based on facts, and made without malice. Importantly, this defense distinguishes between statements of fact and expressions of opinion, recognizing that informed criticism is essential for democratic discourse. Nigerian courts have consistently upheld fair comment as a defense,

especially in media-related cases. This principle encourages citizens and the press to engage critically with governance and societal issues while maintaining accountability.

- **Innocent dissemination:** The law protects individuals who, without knowledge of the defamatory nature of the statement, disseminate it. This defense applies to individuals such as newspaper vendors or libraries that distribute publications without awareness of their defamatory content. By proving their lack of knowledge, these parties can avoid liability of defamation.
- **Consent and Offer of Amends:** Consent serves as a defense when the claimant has expressly or implicitly agreed to the publication of the statement. By consenting, the individual effectively waives their right to bring a defamation claim. Similarly, an offer of amends, which may include an apology, correction, or compensation, is not a complete defense but can mitigate damages and demonstrate good faith. These mechanisms promote reconciliation and provide practical avenues for resolving defamation disputes without prolonged litigation.

2.3.7 The Role of Mass Media in Shaping Public Perception of Criminal Defamation Laws in Nigeria

The mass media serve as a powerful tool in shaping public opinion. It frames debates, amplifies certain perspectives and at times, manipulates narratives to align with political or corporate interests. The extent to which mass media influences public perception of defamation laws is largely determined by the ownership structure. Government controlled media often filters, moderates, or even suppresses dissenting opinions, creating a one-sided communication channel where state interests dominate.

During the Second Republic, media outlets such as Concord Newspaper, Daily Times and News Nigerian functioned as mouthpieces for the ruling National party of Nigeria. Private media houses on the other hand provided counterbalance. Independent newspapers like the

Punch and The Guardian, alongside broadcast stations such as Channels, Arise Tv and AIT, have offered platforms for Nigerians to challenge oppressive legal frameworks. Programs like Sunrise Daily and Politics Today facilitates discussions among legal experts, activists, and citizens, ensuring that issues like defamation laws remain in the public consciousness.

However, private media is not immune to government interference. Journalists and media houses frequently face harassment, intimidation, and even shutdowns for reporting unfavorably on those in power. A notable example is the 2006 closure of AIT's Abuja office under the Obasanjo administration after it broadcasted live debates on the controversial third-term agenda (The Nation, June 28th, 2006). The advent of digital media has revolutionized public discourse, offering citizens unprecedented access to information and platforms for expression. Social media has enabled grassroots movements to challenge unjust laws and hold authorities accountable in ways traditional media cannot. yet, this democratization of information comes with challenges. The rapid spread of misinformation can distort public perception, complicating efforts to foster informed debates on legal reforms.

As long as media, whether state-owned, privately owned, or digital, dictates how defamation laws are perceived, the struggle for press freedom and freedom of expression will persist. The challenge lies in fostering a media landscape that prioritizes truth and public interest over political expediency.

2.3.7 Attitude and Understanding of Youths Towards Criminal Defamation Law

Youth attitudes toward criminal defamation laws reflect a generational divide shaped by digital culture, legal literacy gaps and evolving free speech norms. Many young people, accustomed to social media's rapid exchange of opinions, often underestimate the legal risks of

online speech, viewing platforms as spaces for unrestrained expression rather than venues where reputational harm could lead to criminal penalties.

Nigerian youths, particularly digital natives, often exhibit limited understanding of criminal defamation laws, viewing online expression as inherently free and unrestricted due to their immersion in social media culture. Many are unaware that defamation remains a criminal offense under Nigeria's Penal Code (punishable by up to two years' imprisonment) and Criminal Code Act (one- year imprisonment for false publications). This gap stems from inadequate legal literacy, as most conflate civil defamation (monetary damages) with criminal damages (jail terms), and assume truth alone absolves liability, overlooking the nuances like "public benefit" requirements for defense. The arrest of Dele Farotimi under Section 373 of the Criminal Code Act for criticizing a senior lawyer sparked debates, revealing youth skepticism toward such laws as tools for elite to suppress dissent.

Research shows that Nigerian youths prioritize free speech over reputation protections, mirroring global trends where criminal defamation is increasingly seen as archaic. However, jurisdictional complexities in online defamation further confuse digitally active youth. While some international bodies condemn these laws for chilling criticism, Nigeria's slow reform pace leaves youths vulnerable to prosecutions that contradict their perception of digital expression as a fundamental right.

2.4 Review of Related Empirical Studies

Several studies relating to the influence of media representation on criminal defamation laws have been conducted from various perspectives. A few of these will suffice here.

For further clarification, some related empirical studies are reviewed to convey the knowledge and ideas which have been established in the topic of this study, acknowledging the gaps in the knowledge and the literacy loopholes this study stands to cover.

Doris Rahmat & Santoso Budi Nursal Umar's study on the **“Imposition of Criminal Law in the ITE Law Against Defamation Through Facebook Social Media” (2024)**

The research took a holistic approach by combining qualitative and quantitative methodologies to understand the complex phenomenon of defamation on social media, especially on Facebook platform, and the criminal law imposed on these case. In-depth interviews were conducted with legal experts, digital rights activists and law enforcement officials to gain more refined perspective on the challenges faced in enforcing laws regarding defamation on Facebook.

The research revealed that defamation is not a trivial problem. Harmful contents, fake news and slander can have serious impact, both emotionally and socially, on the individuals and group targeted. The researcher conducted an intensive literature study by using relevant literature, journals, articles and legal documents related to Information and Transactions Law (ITE), criminal law, defamation and the use of Facebook social media.

The paper provided questionnaires to measure public perceptions about defamation on Facebook and social media, as well as the effectiveness of law enforcement in these cases. The result showed that most respondents the punishments given to perpetrators were not strict enough to prevent future violations.

The research's conclusion provided an answer that by understanding the challenges faced and the joint efforts across sectors, criminal law enforcement against defamation on Facebook and social media can be improved, so that individual human rights can be better protected and the integrity of digital environment can be maintained.

Another study also backing this point is: **Uroegbulum, N.C., Uchemefune, C.E., & Iroegbu, E.C study on “Media Influence on Government Policy Making: Understanding the Role of Mass Media in Shaping Public Opinion and Political Decision-Making” (2024)**

This study examined how the mass media influences public opinion and impacts political decision-making processes. For data gathering, the research employed a focus group discussion approach, which involves group interviews with individuals who share common interests and experiences. From five villages within Owerri Municipal; Amawom, Umuororonjo, Umuonyeche, Umeodu, and Umuonyima, two opinion leaders were randomly selected from each village, resulting in a total of ten participants who were engaged collectively in the discussions.

The research focused on the extent of residents’ access to mass media, their perceptions of government policies as presented through various media channels, and the influence of media content on government policy formulation. The study was anchored on the Behavior Theory and Rational Choice Theory.

Findings from the focus group discussion revealed that most residents of Owerri Municipal have ready access to a variety of media platforms, including radio, television, newspapers, and social media. The study also revealed that the participants frequently engage with these channels, suggesting that media exposure enhances their awareness of government activities. Moreover, the majority of respondents viewed mass media as a positive force that helps them understand and accept government policies. This explains the importance of consistent and transparent communication through media channels, as it not only keeps citizens informed but also strengthens trust in government initiatives and promotes a more engaged and participatory society.

However, the findings of Happer & Philo (2020) study titled, **“Impact The Media Has in The Construction of Public Belief and Attitudes and Its Relationship to Social Change”**, highlighted the powerful influence of mass media in shaping public opinion, showing how certain issues are brought to the forefront while others receive less attention. The study also opined that the media outlets can influence how audiences interpret these issues, often limiting the range of perspectives and solutions presented in public discussions.

The research concluded that both traditional media, such as newspapers and television, and new media platforms, including social media, are essential in disseminating information and contributing to societal development.

From the review that has been done so far, it is pertinent to note that there are key areas that were not touched. This includes freedom of expression and its limitation, defenses to criminal defamation laws and youths understanding of criminal defamation laws. thus, this study seeks to cover the loops and bridge the gap in knowledge not covered by this previous studies.

2.5 Theoretical Framework

A theory is refers to the process of bringing together and organizing empirical data in a way that provides clear understanding. Osuala (2005),cited in Aemah (2011), defined a theory as “an attempt at selecting and putting together, information that has been scientifically tested (empirical data) so that it can clarify and unify all happenings in the society”.

This study is anchored in three major communication theories:

1. Agenda setting theory
2. Framing theory
3. Uses and Gratification theory

Agenda Setting Theory

The term agenda setting was coined by McCombs and Shaw (1972). As the name implies it focuses on issues in the society. Kunczick (2008, p192) cited in Asemah (2011), points out that the opportunity for agenda setting by the mass media becomes enhanced when value structure of a society is in a state of constant change. He observed that a reliable approach to studying agenda-setting is to compare how issues are presented in the media over a period of time with the subjects that dominate public conversations. This comparison helps to reveal the extent to which media coverage influences what people consider to be important in society.

McCombs and Shaw famously argued that the media does not necessarily dictate what individuals should think, but it plays a significant role in shaping what they think about. In other words, the media serves as a guide, drawing public attention to specific issues and signaling where focus should be directed.

By highlighting certain topics repeatedly, the media effectively sets the agenda and contributes to the construction of political and social reality. This process demonstrates the media's subtle yet powerful influence in defining what issues are perceived as pressing within society. The degree to which the public considers an issue important often depends on how prominently it is covered. The length of broadcast, the placement of stories, and the amount of detail provided all play crucial roles in shaping perceptions. These elements work together to reinforce the significance of issues, thereby strengthening the agenda-setting function of the media.

Agenda setting theory as noted by Ikpe (2012), cited in Asemah (2011), affirmed the power of the press while still maintaining that individual have freedom to choose what they pay attention to. Whether through print or electronic channels, the media often focuses on subjects that are highly debated or sensitive within society. These controversial matters, frequently

described as “burning issues,” gain prominence because of the way they are reported and circulated.

Agenda-setting theory has been widely debated among scholars. Critics argue that its influence is difficult to measure and that it may not apply to individuals with fixed mindsets who resist media effects (McQuail, 2010). Nevertheless, the theory remains valuable as it draws on the principle of accessibility, showing that repeated exposure to certain issues makes them more memorable and important to audiences (McCombs & Shaw, 1972).

The media, in performing its watchdog role, is expected to report societal events objectively, avoiding favoritism and prejudice (Asemah, 2011). The theory also has predictive power, as consistent exposure to the same media often leads people to share similar opinions. However, scholars note that real-world events sometimes shape public concern more strongly than the media, and the theory has been criticized for focusing too narrowly on news and politics while neglecting other forms of media content (McQuail, 2010; Asemah, 2011).

Agenda setting theory is pertinent to this research because it highlights how media coverage of Dele Farotimi versus Afe Babalola defamation case influenced Uniben students’ perception of criminal defamation law. By selecting and emphasizing certain aspect of the elite or Babalola’s legal response, the media played a key role in shaping which legal issues the students viewed as important.

Framing Theory

The theory was first put forth by Goffman in 1974. Goffman defined “framing as a schemata of interpretation” that enabled individuals to locate, perceive, identify and label

occurrences or life experiences. Goffman (1974), argued that people interpret what is going on around the world through their primary framework.

According to Gujbawu& Asemah (2021), framing theory indicates that the manner in which messages are presented to the audience by the media influences the choices the audience make about processing the information received. Framing theory emphasizes that the manner in which information is presented, referred to as “the frame,” shapes how audiences interpret and respond to messages. This means that the structure and context of a message can strongly influence public understanding and decision-making . (Entman 1993)

According to McQuail (2005), framing can be examined in two dimensions: individual frames and media frames. Individual frames concern a person’s cognitive structures that guide their interpretation of situations, while media frames focus on the linguistic choices, images, and stylistic devices employed by news outlets when reporting issues.

Goffman (1979) as cited in Ooko (2014) observed that news coverage often highlights “frame violations,” which are departures from what society regards as normal. Such events usually involve disruptions that challenge elites or the political order. By reporting extensively on these deviations, the media helps maintain and protect the status quo.

Baran and Davis (2012), cited in Asemah (2011), contend that framing theory challenges the assumption that journalism should be completely objective. Instead, it implies that journalism should function as a forum where diverse perspectives and competing ideas about social realities are presented and debated.

A notable strength of framing theory is its simplicity and ease of application. However, McCombs has argued that framing should not be regarded as an independent theory but rather as part of agenda-setting. This claim has been debated by media scholars, who argue that while

framing, agenda-setting, and priming overlap in certain ways, each offers unique perspectives on how the media influences society (McCombs, 2004; McQuail, 2010).

Framing theory is highly relevant to this study as it explains how the media's presentation of Dele Farotimi vs. Afe Babalola criminal defamation case shaped Uniben students' interpretation and judgments. Framing determined whether Uniben students saw it as an abuse of power or a lawful defense of reputation. The media's language, tone and focus influenced whether or not the law was perceived as oppressive or protective, thereby affecting the students' perception of legal fairness and freedom of expression.

Uses and Gratification Theory

The uses and gratification theory emerged in the 1940s but was more systematically developed in the 1970s. Scholars like Katz, Blumler, Gurevitch are credited with the modern articulation of the theory. While in Nigeria, Asemah (2011), provides an in-depth local context. He explains that this theory shifts the focus from what media do to people to what people do to the media.

According to Asemah, the audience is not a passive recipient of media context, but an active participant who deliberately seek out media messages to satisfy specific personal and social need. In this light, the audience is viewed as having power and autonomy to choose, interpret and use media context in ways that are personally beneficial. These needs might include information, personal identity, integration, social interaction and entertainment.

This theory is relevant to this study because the media serves as a source of legal awareness. Students may turn to news reports, Twitter commentary, or online legal review to satisfy their informational need regarding the Farotimi- Babalola case. The theory helps to explain why they choose certain platforms over others.

This theory is also relevant as it helps in the reinforcement of beliefs or values. Some students may already hold strong opinion about Nigeria's legal system or freedom of speech. Media representation of the suit either reinforces or challenges these pre-existing beliefs. It also helps explain how Uniben students bias or sensationalism in media portrayal of the case because they are literate and intellectually active and are likely to engage in critical consumption of the media.

This theory justifies the preference for certain digital sources like Twitter or online news blogs over traditional newspapers due to accessibility, interactivity and engagement level. It also also relevant for identity and social interaction.

2.6 Summary of the Review

Having reviewed existing literature that are relevant to the focus of the study, the researcher conceptualized the variables of the study to ensure convenient and accurate assessment while analyzing media representation of Uniben students' perception on criminal defamation laws, the variables and their relevance to study were discussed in this chapter. The agenda setting theory, framing theory and uses and gratification were adopted in this research and it is expected that the study will provide empirical evidence and add to the existing body of

knowledge which would be useful to other researchers. **CHAPTER THREE**

RESEARCH METHODOLOGY

3.1 Preamble

The main purpose of this chapter is to present the description of the study area and techniques employed during data collection. This chapter is presented under the following headings;

- Research Design
- Population of the Study
- Sample Size
- Sample Procedures
- Instrument for Data Collection
- Validity of Instrument
- Reliability of Instrument
- Method of Data Collection
- Method of Data Analysis

3.2 Research Design

The researcher used survey to carry out this research study. The survey research design was used in this study because it allowed the research to analyze and evaluate the opinion, attitude and perception of the individuals involved in the study. This method was used because of its conveniences to a research of this nature. This takes care of the difficulties of studying the whole population to arrive at results.

3.3 Population of the Study

Asemah, Gujbawa, Ekhareafo & Okpanachi (2012), defined "the population of a study as the census of all the items or subject that possess the characteristics or that have the knowledge of the phenomenon being studied". Uniben students were considered appropriate for this study because they are young and constantly expose themselves to different media platforms. Therefore, gathering data from them would be effective to measure their perception on criminal

defamation law, using the case of Dele Farotimi vs. Afe Babalola. The population of this study is 77,000 (University of Benin, 2025)

3.4 Sample Size

Sample size describes the number of people to be studied. To determine the sample size for a population across 15 Faculties in the University of Benin, the researcher will be using Taro Yamene's formula. The sample size comprised of persons between the age ranges of 18-35 years that were present at the time of the study.

$$n = \frac{N}{1 + N(e)^2}$$

Where

n=sample size

N= Population size

e=margin error (typically 5% or 0.05)

$$n = \frac{77,000}{1 + 77,000 \times (0.05)^2}$$

$$n = \frac{77,000}{1 + 77,000 \times 0.0025}$$

$$n = \frac{77,000}{193.5}$$

$$n = 398$$

The sample size for this research is 398 respondents.

3.5 Sample Technique

The researcher adopted stratified random sampling technique to select respondents to participate in the study. Kombo & Tromp (2006, p79), explains that “the sample in such a way that certain sub-groups in the population are represented in the sampled population of their member”.

In this application of this technique to this study, the researcher selected the respondents based on their agenda. By using this technique, it ensured that the sample represents the diversity within the population.

3.6 Instrument of Data Collection

The instrument for collecting data in this study was the questionnaire. Asemah (2009), explained that “the questionnaire is a list of questions designed to elicit information from respondents by filling in the answers in the space provided for the purpose”. The choice of questionnaire was used because questionnaires often allows respondents to remain anonymous, which encourage them to provide honest answers, especially on sensitive or personal topic.

The questionnaire consisted of two segments, A and B. Segment A focused on the demographic characteristics of the respondents such as age, sex, level, marital status, while Segment B focused on substantive issues of the research work in which the respondents would provide response using the five Likert scale. It entails Strongly Agree, Agree, Neutral, Disagree or Strongly Disagree.

3.7 Validity of the Instrument

Validity of research instrument can simply be a degree of accuracy and subjectivity. The instrument (questionnaire) was constructed by the researcher and presented to the supervisor. Based on face-to-face validity, the supervisor confirmed that the items in the instrument were related to the study and they cover all the important areas of the study by relating them to research questions. As a result of this, the items were validated and all necessary corrections were implemented.

3.8 Reliability of the Instrument

Reliability in research refers to the degree to which an instrument produces stable and consistent results over time. To establish the reliability of the instrument, a pilot study was conducted. The researcher distributed 10 copies of questionnaires at random to Uniben Students who were not part of the main study from which high responses was observed. The reliability stood at 0.82 using Cronbach's Alpha.

3.9 Method of Data Collection

The instrument for this study was distributed to 398 respondents in the University of Benin. Copies of questionnaires were attributed personally by the researcher and she took her time for the respondents to fill as the questions were straight forward and summarized. The respondent provided responses to the variables being measured through the questionnaire administered them based on their knowledge of criminal defamation law in Nigeria.

Furthermore, the researcher obtained data for this study from published works, internet, journals, articles, online sources and textbooks.

3.10 Method of Data Analysis

The data collected in this study were presented and analyzed with the aid of frequency table, rows and simple percentages. The answers were sorted and edited for accuracy, completeness and uniformity. The quantitative data analysis was employed. Variables in the demography and psychographic section of the research questions were discussed quantitatively.

CHAPTER FOUR

DATA PRESENTATION AND ANALYSIS

4.1 Preamble

This chapter presents and analyses the data collected through the questionnaire distributed to the respondents, as well as the discussion of findings to enable the researcher draw inferences and conclusion. The data collected are organized using frequency table and simple percentages.

A total of 398 copies of questionnaires were distributed and returned. Thus, a 100% return rate was achieved and analysis was based on this figure.

4.2 Data Presentation and Analysis

SECTION A

Table 1: Gender Distribution of Respondents

Gender	Number of respondents	Percentages (%)
Male	159	39.95%
Female	239	60.05%
Total	398	100%

Source: Field Survey

Table 1 indicates that the study comprised of both male and female respondents. However, it shows that females constituted of a larger population of the sample.

Table 2: Age Distribution of Respondents

Age Group	Number of respondents	Percentage (%)
16-20 years	62	15.58%
21-25years	248	62.31%

26-30years	79	19.85%
31 and above	9	2.26%
Total	398	100%

Source: Field Survey

Table 2 shows that the majority of the respondents representing 62.31% were within the age group of 21-25 years old. This shows that the respondents are predominantly and are well suited to participate in this study.

Table 3: Marital Distribution of Respondents

Marital status	Number of respondents	Percentages (%)
Single	361	90.7%
Married	37	9.3%
Divorced	0	0
Total	398	100%

Source: Field Survey

Table 3 reveals that a greater percentage of the respondents are single. 90.7% of the total sample were single. 9.3% were married and 0% divorced. It indicates that respondent who were not married dominated the study.

Table 4: Distribution of Respondents by Faculty

Faculty Distribution	Number of respondents	Percentage (%)
Arts	27	6.78%
Agriculture	26	6.53%
Basic Medical Sciences	27	6.78%
Dentistry	26	6.53%
Education	27	6.78%

Engineering	27	6.78%
Environmental Sciences	27	6.78%
Law	27	6.78%
Life Sciences	27	6.78%
Management Science	26	6.53%
Pharmacy	26	6.53%
Physical Science	26	6.53%
Social Science	27	6.78%
School of Medical Sciences	26	6.53%
Veterinary Medicine	26	6.53%
Total	398	100%

Source: Field Survey

Table 4 shows that the respondents are fairly distributed across the faculties, with 8 faculties representing 6.78% each and 7 faculties representing 6.53% each of the total sample.

Table 5: Level of Study of Respondents

Level of Study	Number of respondents	Percentage (%)
100 level	17	4.3%
200 level	76	19.1%
300 level	105	26.4%
400 level	116	29.1%
500 level	30	7.5%
600 level	10	2.5%

Post Graduate	44	11.1%
Total	398	100%

Source: Field Survey

Table 5 reveals the distribution of respondents by their level of study, with the number and percentage of respondents from each of the level. This results shows that the majority of respondents are 400 level students, representing a significant proportion of the study

SECTION B: This section covers questions that provided psychographic data concerning study from the respondents.

Table 6: Extent of Media Representation of the Case of Dele Farotimi and Afe Babalola

Question	Variables	Number of respondents	Percentage (%)
What extent did media coverage explain criminal defamation law?	Very thoroughly	42	10.6%
	Moderately well	215	54%
	Minimally	121	30.4%
	Not at all	14	3.5%
	Can't recall	6	1.5%
	Total	398	100%

Source: Field Survey

Table 6 shows that majority of the respondent attested that the extent of media representation of the case was moderate. This implies that a larger percentage of the respondents (54%) affirmed that media coverage of the case was not thorough and comprehensive enough.

Table 7: Sources of Information through which the Media Represented Dele Farotimi and Afe Babalola's case

Variables	Number of respondents	Percentages (%)
Newspaper	28	7%

Tv/Radio	53	13.3%
Social media	160	40.2%
Online News Blogs	117	29.4%
Others	40	10.1%
Total	398	100%

Source: Field Survey

The data in table 7, shows that social media was the channel through which the respondents were informed about the case of Dele Farotimi and Afe Babalola. This is based on the fact that majority (40.2%) of the respondents answered to that effect.

Table 8: Respondents' Perception of Media Representation of the Case

Items	Questions	Variables	Number of respondents	Percentage(%)
8i	How would you characterize the overall tone of media coverage?	Balanced and factual	129	32.4%
		Neutral	69	17.3%
		Sensationalized	200	50.3%
			398	100%
8ii	How did the media report Babalola's legal action?	Fully justified	227	57%
		Neutral	71	18%
		Excessive	100	25%
			398	100%
8iii	What do you think of the media portrayal of Farotimi's situation?	Strong evidence of legal intimidation	276	69.3%
		Neutral presentation	93	23.4%
		Minimal signs of intimidation	20	5%

	No intimidation evident	9	2.3%
		398	100%

Source: Field Survey

Data in table 8 reveals the respondents' perception of media portrayal of the case. Two hundred (200) representing 50.3% of the respondents affirmed that the tone of the media coverage on the case of Dele Farotimi and Afe Babalola was sensationalized. Two hundred and twenty- seven (227) representing 57% of the respondents were of the belief that the media reported Babalola's legal action as fully justified. However, a significant majority of 276 respondents (69.3%) believed that the media's representation of Dele Farotimi's situation showed strong evidence of legal intimidation.

Table 9: Respondents' Perception of Criminal Defamation Law in Nigeria

Items	Questions	SA	A	N	D	SD	Total	Decision
9i	Criminal defamation law is necessary to protect individuals' reputation in Nigeria	153 38.4%	232 58.3%	—	10 2.5%	3 0.8%	398 100%	Accepted
9ii	Do you think criminal defamation law discourages free speech in Nigeria?	121 30.4%	249 62.6%	—	23 5.7%	5 1.3%	398 100%	Accepted
9iii	Should defamation cases be handled through civil law suits rather than criminal charges?	100 25.1%	202 50.8%	28 7%	62 15.6%	6 1.5%	398 100%	Accepted

9iv	Nigeria's defamation law needs reform to balance reputation and free expression in Nigeria?	62 15.6%	200 50.3%	28 7%	102 25.6%	6 1.5%	398 100%	Accepted
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Source: Field Survey

Table 9 reveals the perception of University of Benin students on criminal defamation law. The finding shows that a significant proportion of respondents (96.7%) affirmed that criminal defamation law is necessary to protect individuals' reputation in Nigeria. Majority of the respondents (93%) agreed that criminal defamation laws discourages free speech, violating Section 39 of Nigerian constitution. A larger percentage of the respondents (50.8%) attested that defamation cases should be handled through civil law suits than criminal charges. A significant proportion of respondents (75.9%) also agreed that there is need for reform to balance reputation and free expression.

Table 10: Media Influence on Respondents' Understanding of Criminal Defamation Law

Items	Responses	SA	A	N	D	SD	Total
10i	What constitute criminal defamation?	69 17.3%	300 75.4%	17 4.3%	7 1.8%	5 1.2%	398 100%
10ii	Potential legal consequences	130 32.6%	165 41.5%	14 3.5%	85 21.4%	4 1%	398 100%
10iii	Impact to free speech	180 45.2%	110 27.6%	20 5%	70 17.6%	18 4.5%	398 100%
10iv	Implication of criminal defamation	200	124	14	50	10	398

	law	50.3%	31.1%	3.5%	12.6%	2.5%	100%
10v	Rights of the accused	60 15.1%	22 5.5%	22 5.5%	290 72.9%	4 1%	398 100%

Source: Field Survey

Table 10 indicates the influence of media on respondents' understanding of criminal defamation law. It indicates that 75.4% of the respondents affirmed that the media influenced their understanding of criminal defamation law. 41.5% affirmed that the media influences their understanding of potential legal consequences. Out of 398 respondents, 180 and 110 respondents representing 45.2% and 27.6% respectively strongly agreed and agreed that the media influence their understanding of criminal defamation law on free speech. Majority of the respondents (81.4%) also attested that the media coverage emphasized the implication of criminal defamation law. This table also revealed that 72.9% disagreed that the media influenced their understanding of the rights of the accused.

Table 11: What are the Implications of Media Representation on Students' Attitude towards Freedom of Expression and the Protection of Reputation?

Items	Questions	Variables	Number of respondents	Percentage (%)
11i	Are you more cautious of what you post online?	Yes	359	90.2%
		No	39	9.8%
			398	100%
11ii	What is your view on Nigeria's defamation law?	Position	150	37.7%
		Negative	248	62.3%

			398	100%
11iii	Has the case affected your willingness to criticize public figure?	Yes	303	76.1%
		No	95	23.9%
			398	100%
11iv	Did the case of Dele Farotimi and Afe Babalola demonstrate that protecting reputation is more important than protecting free speech?	Yes	268	67.3%
		No	130	32.7%
			398	100%

Source: Field Survey

Table 11 reveals that 359 representing 90.2% of the respondents attested that they will be cautious of what they post online. Data generated in this study also shows that 248 representing 62.3% of the respondents held a negative view of Nigeria's defamation law. The result shows that 303 respondents (76.1%) affirmed that the case of Dele Farotimi and Afe Babalola has affected their willingness to criticize public figure. The table also reveals that 67.3% representing 268 respondents agreed that the case demonstrated that protecting reputation is more important than protecting free speech.

4.3 Discussion of Findings

Research Question 1: How did the media represent Dele Farotimi vs Afe Babalola criminal defamation case?

Based on the data collected and analyzed, the finding in the table 6 shows that the extent of media representation of the case between Dele Farotimi vs Afe Babalola was moderate. The result indicates that it was sufficient to create awareness but lacked depth and thoroughness. It shows that the media did not dive deeply into the legal arguments, the context of Farotimi's allegations, or the significance for Nigeria's justice system. This level of coverage/representation left the respondents with a basic understanding of the conflict but without the tools to fully grasp its complexities or form well-rounded opinion about the law.

Furthermore, table 7 indicates that majority of the respondents used social media in respect to the case and the case received a lot of exposure on social media due to the high number of respondents who affirmed that they were aware of the criminal defamation case. The finding reveals that social media was the primary source of information, followed closely by online news blogs. It was found that the degree of exposure on the part of the majority of the respondents is closely linked to the fact that Twitter, Instagram, Facebook, Youtube, contributed

the major social media platforms were the respondents were exposed to stories giving details about the case of Dele Farotimi and Afe Babalola. And these stories come mostly in comments, pictures, tweets and video forms, which are the major information dissemination tools of the social media platforms the respondents were exposed to.

Table 8 reveals that 200 (50.3%) respondents agreed that the overall tone of media coverage on the case of Dele Farotimi vs Afe Babalola was sensationalized; 129 (32.4%) respondents affirmed that it was balanced and factual while 69 (17.3%) said it was neutral.

The findings show that most media house in Nigeria focused heavily on Afe Babalola's petition to the Ekiti State Police, which accused Farotimi of criminal defamation for alleging that Afe Babalola and his law firm, Afe Babalola & Co, engaged in unethical practices, including corrupting Supreme court in a land dispute case (Major Muritala Gbadamosi Eletu & Ors V.H.R.H Oba Tijani Akinloye & Ors, Suit No. SC/146/2005). The findings further show that the media covered the legal action against Farotimi, such as his arrest in Lagos, his transfer to Ekiti and his arraignment of 16 counts of defamation and 12 counts of cybercrime.

The finding shows that these sensationalism was evident in the headlines used by media organization, which aimed to capture attention rather than provide balanced or thoughtful reporting. An example is an online news article written by Punch Newspaper which carried a headline titled **"How Dele Farotimi defamed me- Afe Babalola"**. This approach made the case seem more like a scandal than an opportunity to examine systematical issues in Nigeria's legal system.

The findings also revealed that the media focused entirely on the defamatory offense alleged by Babalola without investigating whether Farotimi's claim about judicial corruption is true. The findings further show that the failure of the media to explore the truth of Farotimi's

allegation, the media missed an opportunity to engage in investigative journalism that could have informed the public and sparked meaningful debates about judicial reform.

The study also reveals that respondents affirmed that the media reported Babalola's legal action as fully justified. This is based on the fact that Dele Farotimi's defamatory statements questioned the integrity of Afe Babalola, accused his law firm of unethical practices and he also disregarded the rule of law.

The finding further reveals that media representation of Farotimi's situation contained strong evidence of legal intimidation. This implies that majority of the respondents believed that Farotimi was subjected to undue pressure, coercion and threats due to his book, "Nigeria and its Criminal Justice System".

The study concludes that such representation can create a chilling effect on free speech, where individuals become hesitant to express their opinions or criticise powerful individuals or institutions due to fear of legal repercussion. In trying to ascertain how the media represented Dele Farotimi vs Afe Babalola case, table 6,7 and 8 were used.

Research Question 2: What is the perception of Uniben students regarding criminal defamation in Nigeria?

Findings of the study is reflected in table 9 and it reveals that a high percentage of respondents attested that criminal defamation law is necessary to protect individuals' reputation in Nigeria. The finding is in line with Section 34 (1) of the 1999 Nigeria constitution, which states that **"Every individual is entitled to respect for the dignity of his person"**.

The findings also reveal that criminal defamation law serves as a deterrent to individuals who might seek to harm other's reputation through false and malicious statements. This implies

that defamation law provides a means for individuals to protect their reputations and seek redress when their reputation is attacked.

The study's findings also show that a majority of the respondents attested that criminal defamation law discourages free speech in Nigeria. The result also indicated that majority of the respondent affirmed that defamation cases should be handled through civil law suits rather than criminal charges. Civil lawsuits provide plaintiffs with a means to seek financial compensation for harm to their reputation, which is often a more effective remedy than criminal penalties. .

Furthermore, the finding reveals that criminal defamation law can be used as a tool for harassment and intimidation against activist, whistleblowers and journalists and prevent them from speaking out against corruption and human rights abuse.

The findings also agreed that there is a need for reform to balance reputation and free expression in Nigeria. The respondents agreed that by reforming the law, Nigeria can promote a culture of free speech and critical debate that is essential for a healthy democracy.

Research Question 3: How has media representation of the Farotimi-Babalola case influenced UNIBEN students' understanding of criminal defamation law?

Findings from the study reflect that majority of the respondents affirmed that they understand what constitutes criminal defamation. This implies that the media coverage of the Farotimi-Babalola case effectively conveyed the basics of criminal defamation law to UNIBEN students. This high level of understanding attributes that it promotes responsible online behavior and reduce the likelihood of defamatory statements being made. This is consistent with the role of the media as a primary source of information for the public (Asemah & Edegoh, 2013).

The findings also show that the respondents strongly agreed that they understood the potential consequences of criminal defamation. This finding indicates that the media effectively communicated the severity of the law and the potential repercussion for violating it.

Furthermore, the findings also revealed that the respondents through media representation of the case, understood the impact of defamation law on free speech. The right to free speech is restricted in Nigeria, thus the respondents are aware of the potential risks of expressing their right to free speech.

However, findings show that the respondents disagreed that the media influenced their understanding of the rights of the accused. The media coverage of the case did not explain the defenses available to Dele Farotimi. This lack of representation contributed to an unbalanced public perception of the case, with some respondents viewing Babalola's action as unjustified.

The study concludes that the media plays an important role in shaping public perception of the law and the media should strive to provide accurate and balanced reporting, including the perspectives of all parties involved.

Research Question 4: What are the implications of media representation for students' attitude towards freedom of expression and the protection of reputation?

Findings in table 11, reveals that a larger percentage of the respondents agreed that they will be more cautious of what they post online. This implies that the respondents are becoming more aware of the potential consequences of defamatory statements, their online actions and they are taking steps to protect themselves from potential legal repercussions.

The study also reveals that greater number of respondents have negative view of Nigeria's defamation law. The finding shows that the respondents perceived the law as unfair and biased. This implies that it is seen as an abuse of power and threat to freedom of expression.

Furthermore, the finding reveals that respondents agreed that the case has affected their willingness to criticize public figures. However, this may have an implication on democracy and accountability, as it limits the ability of citizens to hold those in power accountable for their actions.

Findings also show that the respondents strongly agreed that the case demonstrated that protecting reputation is more important than protecting free speech. The media coverage of the case framed the issue as a conflict between reputation and free speech, with reputation being protected.

The study concludes that when people are deprived of their freedom to speak, the society suffers from a dearth of diverse perspectives, yielding to a populace that is inadequately informed and disenfranchised with the justice and progress severely impeded.

CHAPTER FIVE

SUMMARY, CONCLUSION AND RECOMMENDATION

This chapter encompasses the summary, conclusion and recommendation of the entire work based on the findings of this study as well as suggestions for further studies.

5.1 Summary

The study is designed to look at “Influence of media representation of Dele Farotimi versus Afe Babalola criminal defamation suit on UNIBEN students’ perception of the law”. The survey research method for gathering data for the study made use of questionnaire as the research instrument to gather data from the research population, which consist of students of the students of the University of Benin.

To achieve this, the study was anchored on three theoretical frame work which are;

- Agenda Setting Theory

- Framing Theory
- Uses and Gratification Theory

Agenda setting theory was infused as a description of media representation on the case. It can be used to explain that the media doesn't just report facts, but also influences what people think about. Here, the media focused on certain aspect of the case and this made Uniben students think that some issues are more important than others, thus influencing their priorities and concerns. With the media constantly reporting and covering the case of Dele Farotimi and Afe Babalola, students of University of Benin gained deeper understanding of criminal defamation law and its implications.

Framing theory suggests that the way information is presented shape people's perception and attitudes influencing how they think about an issue. The different reportage of the case by the media led to distinct perception and interpretation of the case. Although, some saw the coverage as balanced and factual, others saw it as sensational. This influence Uniben students' attitude towards the effectiveness and fairness of the legal system in handling criminal defamation cases.

Uses and gratification theory explains how individuals actively seek out media to satisfy specific needs such as information, entertainment, personal identity, and social interaction. In this study, Uniben students deliberately engaged with media coverage to better understand the legal arguments, implications, and relevance of criminal defamation. This theory highlights that students were not passive consumers but actively selected news platforms, social media updates, and commentaries that aligned with their interests or helped them form opinions. Their choice to follow the case through certain media outlets reflects their desire to be informed, stay socially connected, and participate in legal discourse. Thus, the theory underscores the personal and purposeful role of media use in shaping students' awareness and perception of the law.

The research covered 398 students of University of Benin, Edo State. The population was drawn from selected youths because in dealing with the research question of this study, the perception or views held by these individuals played a major role in carrying out the study.

Invariably, the stratified random sampling technique was used for this study and questionnaire were distributed to the students representing 15 faculties which were all retrieved. A total of four (4) research questions were analyzed in this study and the data collected and collated in this study were presented and analyzed with the aid of frequency tables and simple percentages.

This study was able to reveal the perception of Uniben students on criminal defamation law and impact to free speech. This study was centered around four (4) objectives which are to;

1. Analyze the media representation of the Dele Farotimi vs. Afe Babalola criminal defamation case
2. Assess the perception of Uniben students regarding defamation law in Nigeria.
3. Examine the influence of media representation on Uniben students' understanding of criminal defamation law.
4. Exploring the implication of media representation on Uniben students' attitude towards freedom of expression and protection of reputation.

The research was able to determine how the media representation of the case between Dele Farotimi and Afe Babalola influenced UNIBEN students' understanding of criminal defamation law. While a lot hold negative perception of the law, as it hinders free speech, a few believed that it is necessary to protect the reputation of individuals in the country. As expected, the case questions the essence of freedom of speech and suggests for reform to balance freedom of speech and reputation protection for the society to develop and progress.

5.2 Conclusion

The issue of freedom of speech has long been a controversial one in Nigeria. Although, the Nigeria Constitution guarantees freedom of speech, the application of criminal defamation can sometimes limit this right. One important thing to note is that a country that wants to make progress and advance tremendously must follow their own constitutional rules and respect the rights of citizens.

The system in Nigeria doesn't acknowledge democracy, as the right to free speech only emanates from people of authority who do not abide by the law but come for people who contradicts their shortcomings.

Criminal defamation is necessary law that protects citizen's reputation and gives them the leverage of correcting whoever plays foul. However, it is a tool wielded by the "who is who" of our society to punish those who oppose them or speak truth to power.

On this basis, this study therefore concludes that every action to prosecute defamatory offenders must be in line with the law. A step outside the legal route is illegal. However, while vital for protecting citizens, criminal defamation law needs balanced procedures for seeking justice.

In addition, the freedom is not absolute and the law must protect individuals' reputation from malicious attacks. Hence, the constitution must be reviewed to strike a balance between protecting reputation and the fundamental right to free speech.

5.3 Recommendations

Based on the study's findings, the following recommendations are made by the researcher;

1. The media should ensure balanced and factual reporting and avoid sensationalism and bias.

2. We should ensure we all do our part in obeying written down law enshrined in the constitution and do well not to abuse other people's right.
3. Media houses should create more awareness about the existence of defamation law especially in news programmes, drama and documentary.
4. The constitution should be reviewed to balance the protection of individual reputation with fundamental right of free speech.
5. Activists and journalists should be able to do their jobs without fear of harassment, intimidation or prosecution. Any existing legislations which tends to unduly strangle the freedom of speech should be reviewed.
6. Citizens should be cautious of what they write and post online and should consider the impact of their speech or write up on others.

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APPENDIX

Department of Mass Communication,
Faculty of Arts,
University of Benin,
Edo State,
28th of March, 2025.

Dear Respondents,

REQUEST FOR COMPLETION OF ITEMS IN THE QUESTIONNAIRE

I am Faith, a final year student of the Department of Mass Communication. I am conducting a research on the topic: **“INFLUENCE OF MEDIA REPRESENTATION OF DELE FAROTIMI VERSUS AFE BABALOLA CRIMINAL DEFAMATION SUIT ON UNIBEN STUDENTS’ PERCEPTION OF THE LAW”**.

This research work is in partial fulfillment of the requirement for the award of Bachelor of Arts Degree in Mass Communication.

You have been carefully selected to provide reliable data. Your response will be highly appreciated as information provided will be treated with utmost confidentiality.

Thank you for your understanding and cooperation.

Yours faithfully,

OSAZUWA FAITH ONYENWUEWA

(Researcher)

QUESTIONNAIRE

SECTION A: Demographic Information

INSTRUCTION: PLEASE TICK [✓] IN ANY OPTION THAT BEST SUIT YOUR OPINION

1. Gender: Male [] Female []
2. Age: 16-20 [] 21-25 [] 26-30 [] 31 and above []
3. Marital status: Married [] Single [] Divorced []
4. What is your current level in Uniben: 100 [] 200 [] 300 [] 400 [] 500 []
600 [] Post graduate []
5. What is your faculty: Arts [] Social Science [] Agriculture [] Engineering [] Others

(Specify) _____

SECTION B: PSYCHOGRAPHICS

6. What extent did the media coverage explain criminal defamation law?
Very thoroughly [] Moderately well [] Minimally [] Not at all [] Can't recall []
7. Which source of information did the media represent the case of Dele Farotim vs AfeBabalola?
Newspaper [] Tv/Radio [] Social Media [] Online News Blogs [] Others []
8. How would you describe the overall tone of the media representation of this case of Dele Farotimi vs Afe Babalola?
Balanced and factual [] Neutral [] Sensationalised []
9. How did the media represent Babalola's legal action?
Fully justified [] Neutral [] Excessive []
10. The media portrayal of Farotimi's situation suggested
Strong evidence of legal intimidation [] Neutral presentation [] Minimal sign of intimidation [] No intimidation evident []
11. Do you believe criminal defamation law is necessary to protect reputation?
Strongly Agree [] Agree [] Neutral [] Disagree [] Strongly Disagree []

12. Do you think criminal defamation law discourage free speech in Nigeria?
Strongly Agree [] Agree [] Neutral [] Disagree [] Strongly Disagree []
13. Should defamation cases be handled through civil lawsuits rather than criminal charges?
Strongly Agree [] Agree [] Neutral [] Disagree [] Strongly Disagree []
14. Nigeria's defamation law needs reform to balance reputation protection and freedom of expression
Strongly Agree [] Agree [] Neutral [] Disagree [] Strongly Disagree []
15. The media coverage improved your understanding of
- a. What constitutes criminal defamation: Strongly Agree [] Agree [] Neutral [] Disagree [] Strongly Disagree []
- b. Potential legal consequences: Strongly Agree [] Agree [] Neutral [] Disagree [] Strongly Disagree []
- c. Impact to free speech: Strongly Agree [] Agree [] Neutral [] Disagree [] Strongly Disagree []
- d. Implication of criminal defamation law: Strongly Agree [] Agree [] Neutral [] Disagree [] Strongly Disagree []
- e. Rights of the accused: Strongly Agree [] Agree [] Neutral [] Disagree [] Strongly Disagree []
16. After following the case of Dele Farotimi versus Afe Babalola are you more cautious of what you post online?
Yes [] No []
17. What is your current view on Nigeria's defamation law?
Positive [] Negative []
18. Has the case between Dele Farotimi and Afe Babalola affected your willingness to criticise public figures?
Yes [] No []
19. Do you think the case between Dele Farotimi and Afe Babalola demonstrated that protecting reputation is more important than protecting free speech?
Yes [] No []

