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CHAPTER FOUR

SHOULD INTERNET-BASED MEDIA BE REGULATED IN NIGERIA?

Anthony I. Igyuve, Francis Arinze Iloani & Agada-Mba Margaret Offoboche

Introduction

The coming of the internet enabled the emergence of online media that fused together broadcast and print media, a development known as media convergence. The internet has created a huge regulatory challenge with a thin line separating the areas of regulatory jurisdictions of National Broadcasting Commission (NBC), Nigerian Communications Commission (NCC) and Nigeria Press Council (NPC). For instance, there are concerns on the existence of legislations regulating the contents of a website that hosts video, audio, text, pictures and infographics to tell a single story and the agency that enforces the legislations. In Nigeria, there is no specific agency saddled with that responsibility of regulating internet-based media and this is a major enforcement challenge. In recent times, the government of Nigeria has been rattled by internet-based media coverage of elections, governance, separatist agitations and insurrections in different parts of the country. Many have called for the regulation of online media, but the regulatory authorities seem to have been overwhelmed.

Far more challenging is the fact that internet-based media transcend boundaries, making enforcement of regulations within the geographical area challenging as was the case with Radio Biafra that beamed its broadcast to Nigeria from London. At the moment in Nigeria, there is no specific legislation enacted to regulate internet-based media, but a closer look at some legislation in the country shows that the government has actually put in place some laws to check the new media. The Nigerian National Policy for Information Technology (2000, p. 29) recommended that the Federal Ministry of Justice, in collaboration with the National Information Technology Development Agency (NITDA) should frame appropriate legislation to regulate media convergence after due deliberation with IT and sectorial experts.

In 2019, two bills (Protection from Internet Falsehood and Manipulation Bill 2019; and The National Commission for the Prohibition of Hate Speech bill) targeting social media regulation surfaced at the National Assembly. The two bills were bitterly opposed by a broad spectrum of stakeholders, particularly, journalists, social media influencers, bloggers, civil society players, some social media users, opposition political parties and other stakeholders. There have been concerns that some existing legislations, such as Cyber Crime Act and Anti-Terrorism Act, have done more harm than good to internet-based media and enacting more legislations to regulate the online media space would amount to rolling back free speech and media freedom.

For instance, Section 24 of Cyber Crimes Act in the country prohibits internet-based media from publishing offensive, pornographic, indecent, obscene and menacing character. The Cybercrimes Act also prohibits internet-based media from publishing materials known to be false, for the purpose of causing annoyance, inconvenience, danger, obstruction, insult, injury, criminal intimidation, enmity, hatred, ill will or needless anxiety to another or causes such a message to be sent. Non-adherence to these prohibitions leads to a fine of not more than N7 million or imprisonment for a term of not more than three years or to both such fine and imprisonment (Cybercrimes Act, 2015, p. 14). Security agencies use these laws as the basis to arrest internet-media content developers and even charge them to court. For instance, in March, 2017, Nigeria Police arrested and charged to court a blogger, Kemi Olunloyo, with cybercrime on account of a post in which she accused David Ibiyeomie, a pastor based in Port Harcourt of adultery. The blogger was sent to prison for alleged cybercrime charges and defamation of character (Olonilua, 2018: p. 9). Though she spent 90 days in prison without being convicted of the crime, the plaintiff, Pastor Ibiyeomie, eventually dropped all charges of criminal defamation against the blogger in January, 2018. Therefore, this chapter examines stakeholders' perception of the use of legislations to regulate internet-based media in Nigeria and its effect on journalism. Emphasis is placed on determining the existence of the laws, the regulator and alternatives to legislations in regulating the new media.

Problem Statement

In 2000, the national policy on Information Technology recommended the development of appropriate legislations to guide the enforcement of the regulation of internet-based media in Nigeria (The Nigerian National Policy for Information Technology, 2000, p. 29). Just like the regulated traditional media (radio, television and print media), the move for the regulation was to ensure that internet-based media operated with sanity to avoid the spread of misinformation and fake news to the public.

However, 20 years later, internet-based media in Nigeria remain largely unregulated. The possible abuse of internet-based media by operators envisaged in the Nigerian National Policy for Information Technology in 2000 is now playing out. There is no specific agency regulating contents and no comprehensive body of legislations for regulating internet-based media apart from some laws smuggled into some sector-based legislation such as security and commerce. The result is that fake news, misinformation, dis-information and propaganda are easily disseminated via internet-based media and this has adverse effect on journalism. Therefore, chapter examines perceptions of stakeholders on the desirability of regulating internet-based media in Nigeria. Specifically the objectives are to:

- i. investigate stakeholders' perceptions of the need for regulating internet-based media in Nigeria
- ii. examine the challenges associated with the enforcement of the regulations of internet-

based media using legislations in Nigeria

- iii. pinpoint the defects of existing legislations for the regulations of internet-based media in Nigeria

Literature Review

Internet-based media is variously called digital media, online media, new media. Montagnese (2012, pp.1-5) defines Internet-based media as connection and communication tools, exclusively available in the cyberspace, whose operative functioning is based on technological hardware (Internet and mobile networks, computers, etc.) and software (Facebook, Twitter, MySpace, LinkedIn, YouTube, etc.) platforms. They are connection and mass communication tools, characterised by a global diffusion and an ever-growing level of use, considering their handiness and flexibility, as well as their extreme cheapness. The term traditional media are also a key concept in this study. Before the inception of the new media, only the traditional media that is, television, radio, and newspaper were available for use. In the context of this study, traditional media are older or legacy media that existed as the dominant channels of mass distribution of information to the public before the advent of the internet. These media include radio, television, newspaper and magazine. Ureigho, Oroke and Ekruyota (2006, p. 54) posit that the Internet is a mechanism for information dissemination and a medium for collaborative interaction between individuals and their computers without regard for geographic limitation of space. The word Internet is derived from two words: “international” and “network”.

One constant enabler of internet-based media is Information and Communication Technologies (ICTs) which encompass all technical equipment and facilities that convert, process, save and transfer various types of information in digital form. In the context of this study, ICTs are technologies that enable access to information. As advancements in ICTs continue to shape internet-based media, the need for regulation is becoming increasing apparent. Dudley and Brito (2012, p. 1) define regulation, (also called administrative laws or rules) as specific standards or instructions concerning what individuals, businesses, and other organizations can or cannot do. They are the primary vehicles by which governments implement laws and agency objectives.

Nwokegi (2009, p. 26) writes that regulation is common in media industry just as in other sectors of the economy, pointing out that government all over the world regulate various fields of human endeavour banking, education, health care delivery and hotels are regulated. The mass media industry is equally regulated. However, because of the peculiar nature of the media as vehicles for free expression, which is a fundamental human right, government is careful to regulate the media only to the extent consistent with the expectations of a democratic society. Thus, over-regulation of the media will stifle free expression and give rise to underground press and even rebellion.

Malemi (1999, p. 32) identifies four formal regulatory mechanisms of the mass media, namely, constitutional provision, statutes, ethical guidelines and informal restraints. The 1999 Constitution of the Federal Republic of Nigeria (as amended), Section 39 contains the constitutional provisions for media to operate. The section protects freedom of expression and individual's ownership and operation of any medium for the dissemination of information, provided that only the Government or of a State or any other person or body authorised by the President on the fulfillment of conditions laid down by an Act of the National Assembly, shall own, establish or operate a television or wireless broadcasting station for any purpose whatsoever. Secondly, The Official Secrets Act, Laws of Sedition, Contempt, Obscene and Harmful Publications Act, Defamation, Copyright, Advertising laws, National Broadcasting Commission (NBC) Code, Newspaper Act, Media Council Decree, which established the

Nigerian Press Council (NPC), the Nigerian Television Authority (NTA) Act, the Federal Radio Corporation of Nigeria (FRCN) Act, are examples of statutes dealing with the media. Ethical Guidelines are contained in Codes of media professional bodies that provide mechanisms for the regulation of their members, each having a constitution and a code of ethics. The fourth, classified as informal restraints are beat associations and other informal arrangements which impose certain demands on members.

Just like mass media regulation in a general sense, Ghenga (2015, p. 2) observes that governments around the world are drafting new legislation to come to terms with the new reality of the Internet and its many provisions. They do this to legalise their existing polices on Internet regulation while others do so in a fresh effort to regulate the Internet. While some legal frameworks can be easily applied in an online context, others require substantial adaptation. It is thus critically important to ensure that any legislation, which impacts on freedom of expression, is consistent with recognised international human rights standards. This is particularly important since a significant part of the Internet's value, as a medium of expression, is its open and borderless nature. This value can only be preserved through a regulatory framework that balances issues of security (or protection) with those of privacy (and rights). In order to fully harness the empowering benefits of the Internet, people must be allowed to communicate freely online.

Nigeria's apex statistical body, National Bureau of Statistics (2018, p. 3) reports that as at the end of December 2017, about 99 million Nigerians had access to the internet, up by 5.83 per cent from about 94 million recorded at the end of the September same year. Perhaps the most outstanding invention in the ICT segment of communication is the internet. This is a global network of interconnected computers that communicate freely, share and exchange information. Nigerian Communication Commission (2015, p. 3) reports that prior to the liberalisation of the Nigerian Telecommunications industry, there were just about 400,000 lines with low teledensity. There has however been a significant improvement as total active subscriptions as at the end of December 2014, about fourteen years after full liberalisation stood at over 139.1 million lines. National Bureau of Statistics (2018, p. 3) puts the country's total telephone connections at 145 million as at the end of 2014. Increased access to the internet is helping online publications to flourish and increase in the number of telephone connections is also crucial in advancing internet-based content creation. Internet-based media in Nigeria have become an alternative source of information for the vast majority of urban dwellers. Perhaps, it is this derived freedom that has been responsible for the upsurge and robust nature of internet-based media in Nigeria.

Although freedom of expression is explicitly enshrined in the 1999 Constitution of the Federal Republic of Nigeria (as amended), freedom of media is at best a derivative of this provision as there is no specific mention of "media freedoms" or "freedom of the press". Section 22 stipulates that: "The press, radio, television and other agencies of the mass media shall at all times be free to uphold the fundamental objectives" of the constitution, "and uphold the responsibility and accountability of the Government to the people."

African Media Barometer (2015, p. 7) posits that a major development in the media landscape in Nigeria is the "explosion" of social media and online journalism. Although widely viewed as a positive development, it has also come with many challenges for the industry, as "Everyone is now a journalist". In the absence of any law or regulation, individuals and institutions in Nigeria can create and run websites, blogs and other digital platforms without seeking authorisation. But citizens are now required to register their SIM cards before accessing mobile telephony services, although it is hard to argue that this constitutes a restriction to producing and distributing digital content.

Goshit (2016, p. 174) writes that the Nigerian legal system has no particular laws regulating the conduct of social media users. Some social media sites present in Nigeria include Facebook, Twitter, *Snapchat*, *Instagram*, *Whatsapp*, *Badoo*, *Youtube*, *Linkedin* etc. Some other interesting social media presence that are of major interest to Nigerians largely due to the fact that they are home-grown include bloggers such as *Linda Ikeji*, *Omojuwa*, *Naij.com*; entertainment and news media sites include too exclusive, *channelstvonline*, *aitonline*, *ntanewsonline*; online shopping sites such as *Konga*, *Jumia*, *Aliexpress* and magazines such as *The Lawyers Chronicle*, *Ovation* and a host of other Nigerian-built social media presence.

A study conducted by Wilson and Lawan (2013, pp. 2-3) on “social media visibility in Nigerian online media sphere” showed that internet-based media, such as websites of newspapers in Nigeria have a wide reach, mainly because they have also incorporated social media platforms on their sites for interactivity and increased reach. The researchers found that Nigerian online newspapers have adopted social media platforms as a way of disseminating their various products and opening a platform to engage their heterogeneous audiences. The researchers concluded:

These findings help us to see how and to what extent social media platform have found expression on the websites of the Nigerian online media and helping to reshape journalism in Nigeria to meet current global practice. The multiple social media platforms also tells us the extent to which the mainstream media are exploring digital avenues to ensure a wider reach and importantly engage those reached through a variety of interactivity opportunities. The social media visibility on Nigerian online newspapers is an indication that the new age demand in the media business is being met. It would not be out of place to note that the social media visibility in the Nigerian media sphere is a big addition to the interactivity status of the Nigerian newspapers.

There have been increased attempts by the National Assembly to enact laws to regulate the social media in Nigeria. For instance, heated reactions trailed the introduction of a social media bill Protection from Internet Falsehood and Manipulation Bill 2019 in the National Assembly on November 5, 2019. The proposed legislation set out to criminate social media users found guilty for hate speech and acts threatening national security. Similarly, strong opposition greeted a separate bill, christened 'The National Commission for the Prohibition of Hate Speech bill', which also surfaced in the National Assembly in November 11, 2019. Commenting on the two bills, Amnesty International (AI) (December 4, 2019) posits that:

The proposed National Commission for the Prohibition of Hate Speech bill, and the Protection from Internet Falsehood and Manipulation and other Related Offences bill, give authorities arbitrary powers to shut down the internet and limit access to social media, and make criticizing the government punishable with penalties of up to three years in prison.

Also, the proposed legislations do not meet international human rights standards, even as existing Cyber Crimes Act and the Anti-Terrorism Act (which already cover many of the offences the new bills seek to address), have been used as tools to gag freedom of expression in Nigeria (AI, 2019).

The celebrated Arab Spring is a practical example of how news spread through internet-based media, surpassing the combined speed of the traditional media of radio and television. Wilson and Lawan's (2013) study show how multi-platforms are intricately interwoven to reach large

heterogeneous audiences. For instance, the study found that a single news item published on *Daily Trust* is further shared using social media platforms that have been embedded on the website. These social media platforms also give the readers access to feedback mechanism, thereby enhancing interactivity. In regulating internet-based media, the challenge lies in not just regulating platforms such as websites, but also the social media attachments that further enhance the spread of materials published on the parent sites.

Considering media regulation in the context of the internet, Dare (2011, p. 14) studied news making in different platforms and discovered that the making of the news is no longer exclusive to journalists and a legion of news makers and public relations people as internet-based media have created a new frontier for citizen journalists in Nigeria just like in other parts of the world as evidenced by *Sahara Reporters*. Traditional journalism has been in serious competition for relevance. Legacy media continue to struggle to secure its turf as the authoritative voice and the manager and processor of news in the face of citizen journalism. The audience, aided by the internet technology is no longer a passive receiver of the news, but also an active creator of content, altering the face of journalism from being a lecture to a conversation.

On the growing influence of internet-based media, Ogidi and Utulu (2016, p. 67) studied the supremacy of the new media over the traditional media and found that the new media have more influence in today's environment compared to the traditional media. The researchers concluded that "this will continue to be so for as long as ICT technologies continue to grow and new grounds are continuously broken." As new ICT technologies are invented, internet-based media assume new forms and this will further require additional legislation. To understand the complexity of regulating internet-based media, Ogidi and Utulu, (2016) quoted a research respondent thus:

No gatekeepers to check what goes in or comes out. The Internet users have free access and can post any information they feel like online at will and it is cheaper to use in comparison with the traditional media. These are some of the attractions of the new media, though the unrestricted access stands as the greatest weakness of the media as it allows unbridled in road into the privacy of individuals and organizations (Ogidi & Utulu, 2016, p. 67).

This weakness has been the basis of calls for regulation and this could have informed why the Nigerian National Policy for Information Technology (2000, p. 29) specifically provided that the Federal Ministry of Justice, in collaboration with the National Information Technology Development Agency (NITDA), and after due deliberation with IT and sectorial experts, should frame appropriate legislation to regulate media convergence on the internet. Almost two decades later, Nigeria is yet to pass any legislation on media convergence and there is no convergence of media regulations yet in the face of the expanding influence of internet-based media. This may not be unconnected to the ever evolving ICTs that make the new media take on new forms continuously.

Theoretical Framework

This discourse is hinged on Cognitive Theory. In relation to perception, this discourse derived its theoretical justification from the Cognitive Theory. Unumeri (2009, p.19) explains that Cognitive Theory hinges on the reality that people form diverse understanding of a given thing or person based on what they experience in the environment. The population of this study comprised workers from the Ministry of Information directly saddled with media regulation and internet-based media practitioners, who are directly involved in content creation. It is believed that their

experiences in what they do qualify them to have cognitive capacity to hold relevant perception on the enforcement of regulations of internet-based media in Nigeria. To understand Cognitive theory further, it is important to explore Unumeri's (2009, p.19) explanations of the theory. The scholar explains that Cognitive Theory centers on the premises that the mental processes of people is of prime significance in determining social actions. The major limitation of Cognitive Theory is that it tends to oversimplify the inherently complex process of information management. However, it is relevant to this study as it shows that people can form opinions and understanding from what they hear, see, touch, feel and smell in their environment. This implies that people who are involved in any given work can understand it. In trying to understand the enforcement of regulations of internet-based media in Nigeria, this study sought the perceptions of stakeholders. The opinions of people who work in the Ministry involved in the regulation of media are important in understanding the subject under investigation.

Method and materials

Data for the study were obtained through descriptive survey design using questionnaire and Focus Group Discussion (FGD guide). Workers of the Federal Ministry of Information formed the population of this study. The total population of this study was 4065. The breakdown included 4037 staff of the Federal Ministry of Information and Culture as at December 31, 2019 as released by the Ministry's Public Relations and Protocol Unit and 28 registered internet-based media with the Guild of Professional Bloggers of Nigeria (GPBN) as at June 2018.

The sample size for this study is 400. The sample size was arrived at using Taro Yamane's formula in Suleiman and Zakari's (2017, p. 261). The 400, which was mathematically determined and eventually adopted as the sample size for the survey, is in line with the 384 recommended by Vivian (2002, p. 327) for a population that is similar to the one in this study. 90 participants for the FGDs were also purposively drawn from the sample size. Purposeful sampling was adopted for the FGD to target participants with knowledge of the topic. 11 FGD sessions were held with a total of 90 participants. Two FGD sessions were held for bloggers with eight participants each, bringing the total number of participants within this group to 16. Eight FGDs were held for staff of the Ministry of Information while one FGD was held for lawyers in the Ministry.

Results

The data are presented in two sections: the first on the survey and the second on FGD. A total of 400 copies of the Questionnaire were distributed but 387 were retrieved, resulting to about 99% return rate.

Table 1: Demographics of questionnaire respondents

Demographics	Variables			Total
Sex	Male	Female	Others	
Frequency	208	179	0	387
Percentages	53.75%	46.25%	0%	100%
Education level	Primary-secondary	Post-secondary	Others	
Responses	9	375	3	387
Percentages	2.33%	96.89%	0.78%	100%
Age	18 to 35 years	36 to 60 years	61 years and above	
Responses	264	123	0	387
Percentages	68.22%	31.78%	0%	100%
Occupation	Online Media	Information Civil Servants		
Responses	23	364		387
Percentages	5.94%	93.99%		100%
Marital status	Married	Single	Other	
Responses	234	147	6	387
Percentages	60.47%	37.98%	1.55%	100%

Source: Field Survey, 2019

The data presented in the Table 1 above show most of the respondents for the Survey, constituting 53.75 per cent were males while 46.25 per cent were females. The table shows 96.90 per cent of the respondents had post-secondary school certificates while 2.33 per cent of them indicated they had primary school certificates to secondary school certificates. Interestingly, 0.79 per cent of the respondents that indicated they had neither primary to secondary school certificates nor post-secondary school certificates were internet-based media practitioners. 68.2 per cent of the respondents were aged 18 to 35 years while those within the age range of 36 to 60 years made up the remaining 31 per cent. In terms of occupation, the bulk of the respondents, being 364 respondents 93.99 per cent of the total respondents, were civil servants from the Federal Ministry of Information followed 23 internet-based media practitioners, constituting 5.94 per cent of the total population. 234 respondents, being 60.47 per cent were married, 147 responders, being 37.98 per cent were single while 6 others, being 1.55 per cent indicated they were neither married nor single.

Table 2: Stakeholders' perception of regulating internet-based media in Nigeria

Stakeholders' perception	Frequency	Percentage
Positive	185	47.80%
Neutral	0	0%
Negative	202	52.20%
Total	387	100%

Source: Field Survey, 2019

Table 2 shows that the majority of the respondents (52.20%) objected to the need to regulate internet-based media in Nigeria, while 47.80 per cent identified the need for regulation. In response to another questionnaire item, 42.64 per cent of the total people polled indicated weak

enforcement as the major challenge of regulating internet-based media in Nigeria using legislations, followed by 33.33 per cent of respondents who identified inadequate legislations as the major challenge. Moreover, 14.73 per cent of the respondents indicated that lack of a regulatory agency focused with internet-based media regulation has been the major challenge. However, 9.3 per cent of the respondents indicated that regulation is impossible and has been the major challenge of regulating internet-based media in Nigeria.

In response to another questionnaire item, 63.57 per cent of the respondents, indicated that absence of a provision for a single regulator to enforce regulations of internet-based media in Nigeria is a defect of existing legislations. In addition, 29.20 per cent, indicated that the laws are not specific to internet-media regulation; 6.72 per cent indicated that the legislations are not organised in a single document; while 0.52 per cent of respondents indicated that the legislations can easily be evaded.

The researchers also sought to find out the extent to which existing self-regulation of internet-based media in Nigeria is sufficient. About 66.93 per cent of the respondents do not think that self-regulation is sufficient for internet-based media while 33.07 per cent of the respondents indicated that existing self-regulatory framework it is sufficient. The responses from the FGD sessions are incorporated into the discussion that follows.

Discussion of Findings

This study revealed strong division among stakeholders on the call for the regulation of internet-based media in Nigeria. For instance the majority of the respondents (52.20%) indicated negative perception towards regulating internet-based media in Nigeria. About 47.80 per cent of the total respondents indicated positive perception towards regulating internet-based media in the country while none of the respondents indicated perceptual neutrality. The result of the FGDs showed negative perception pervaded discussions. Most of the FGD participants expressed worry that if legislations were deployed to regulate internet-based media, the Nigerian government would abuse it, clamp down on journalists and roll back press freedom. Some respondents supported call for the regulation of internet-based media to curb proliferation of fake news and malicious contents.

While a few participants expressed support for the regulation to curb proliferation of fake news, falsehood, and malicious contents, most participants said regulation must be done with high sense of professionalism, preferably only by trained regulators.

This is delicate. Security agencies in Nigeria have the propensity of hiding under media laws to intimidate journalists. This is even now common on the social media. Monitoring media contents, arresting journalists at the slightest provocation and forcing the media to report what should not be reported or to cover up for government officials should not be confused with media regulation. It's media intimidation. When you say the online media should be regulated using legislation or technology, then there should be a regulatory agency that understands the media, that is not out to gag the media and that can be an impartial watchdog of the media just as the media is the watchdog of the society. But any legislation that empowers anybody or agency to monitor contents that security agencies deem unpalatable to the government is not regulation but action against press freedom.” **Participant D, Bloggers Focus Group**

However, the respondents said any media regulation must be done with high sense of professionalism, preferably only by trained regulators.

In both Survey and FGD, it was observed that there was a considerable support for the call to regulate internet-based using legislations. This corroborates Popescu (2011, p. 344) that the media is big business that should be regulated like any other business in a nation's economy. Amnesty International's (December 4, 2019) believes that existing Cyber Crimes Act and the Anti-Terrorism Act have been used as tools to gag freedom of expression in Nigeria. Popescu (2011, p. 344) also posits that media are big businesses that should be regulated like any other business in a nation's economy. Taking into consideration the obvious evidence of mass media influence on politics, another natural issue arises the bias of media content and thus the slant information or the disinformation.

Weak enforcement of existing laws as revealed by most respondents in the study as the top challenge of internet-based media regulation makes sense. Duru (2016, p.585) opines that the Internet has “removed the barriers of space and time on human interactions; hence, information can easily be obtained at a relatively low cost.” This implies that with hardly any defined space to regulate, the challenge appears stark. McQuails (2010, p. 27) posits that the internet poses new challenges to media regulation because of its lack of a clear national location, its loose forms of control, elusive technology and multiple functions.

Participants at FGDs and the Survey respondents indicated inadequate legislation as one of the top limitations of regulating internet-based media. The Nigerian National Policy for Information Technology (2000, p. 29) specifically directed the Federal Ministry of Justice, in collaboration with the NITDA to frame appropriate legislation to regulate media convergence on the internet. Almost two decades later, Nigeria is yet to get any legislation on media convergence and there is no convergence of media regulations yet in the face of the expanding influence of internet-based media. Researchers have already warned nations about the overwhelming influence of the new media and the need to provide some sort of legislation (Ogidi and Utulu, 2016, p. 67).

Nwanze (2013, p. 9) studied media regulatory legislations in Nigeria, but could not identify any legislation specifically made for the regulation of internet-based media. His findings indicate that the legislations either pre-date independence, or were enacted by various governments from 1960 until 1999. There are different laws which currently regulate the media in Nigeria, including the sedition, defamation, and freedom of information. The Cyber Crimes Act of 2015 was enacted two years after Nwanze's work. Ndiomewese (2017, p. 6) identified the Cyber Crimes Act of 2015 as the only key law that seem to regulate messages on the internet in Nigeria and an attempt to regulate the social media through “social media bill” by the Nigerian senate hit heavy criticism in the wake of its passage to law. The bill did not survive.

But “What are the challenges of enforcing the regulations of internet-based media in Nigeria?” This study establishes that the challenges of regulating internet-based media in Nigeria are: weak enforcement, inadequate legislations, lack of a specific regulatory agency for internet-based media and their unique features such as speed and lack of defined boundaries that make regulation seemingly impossible. Hence, the result of this study corroborated a study conducted by Kayode and Jimoh (2012, p. 31) that more legislations were needed to regulate internet-based media. Unlike Nwokegi's (2009, pp. 76 - 77) Kayode and Jimoh (2012, p. 31) concluded that journalists abuse the use of new media and other ICTs that advance their work largely because they are unregulated. Popescu (2011, p. 344) argues that the media is a big business that should be

regulated like any other business in a nation's economy and in line with this, Ghenga (2015, p. 2) observes that some governments around the world are drafting new legislation to come to terms with the new reality of the internet-based media and its many provisions.

Moreover, Duru (2016, p. 590) observes that, notwithstanding the enactment of the Cyber Act in 2015, the law targets online media platforms such as *Facebook, Twitter, Instagram, YouTube, WhatsApp*, on-line blogs and the like, believed to be growing exponentially. There was also a Social Media Regulation Bill that died in the National Assembly largely due to heightened outcry from Civil Society Organizations (CSOs). This aligns with the findings of FGDs in which discussions showed that oppositions from citizens, CSOs have been mounting stiff opposition against any legislation that will gag internet-based media in Nigeria. Goshit (2016, p. 174) posits that an attempt by the 8th Senate to pass a Bill restricting the ability of social media users to interact freely met resistance.

Moreover, this study establishes that there are legislations for regulation of internet-based media in the country, such regulations are inadequate and lack of a single regulator remains a huge enforcement challenge. Lack of organisation of the legislations and a regulator mean that the laws can be evaded. It is also worth noting that there is no any specific legislation for the regulation of media convergence- the coming together of broadcasting, print, film and all types of media on the internet- in the country. In all focus groups, participants reported the absence of a regulatory body for internet-based media.

The NBC regulates broadcasting. NPC regulates the print media. Online media regulation is unattended to. At best, the police, EFCCAND DSS monitor it, but in terms of structured regulation as in the case of NBC and broadcasting, nobody regulates online media that combine broadcasting and the print media.”-

Participant E, Information Ministry Focus Group

The discussions further revealed that inadequate technologies and weak enforcement by the Nigerian government were among the challenges of regulation, but no participants mentioned the impossibility of regulation as a challenge. Participants agreed readily that internet-based media can be regulated.

The results of this study in terms of sufficiency of self-regulation for internet-based media aligns with the position of Duru (2016, p.591) who observes that two groups, Guild of Corporate Online Publishers (COCOP) and Online Publishers Association of Nigeria (OPAN), were formed, partly with a view to self-regulate the online practice; but a lot of the publishers do not belong to either of the groups. From respect for people's privacy, to accuracy and fairness, non-disclosure, decency and violence, most online media practitioners are found wanting. Most the tilt of stories is informed by economic, personal or political interests; at the expense of the ethical demands of objectivity, fairness, accuracy and balance. Impunity and blackmail flourish. The rights of citizens are abused daily.

All participants from the NBC and NPC focus groups agreed that self-regulation would not be sufficient to check the conduct of internet-based media. Fake news featured repeatedly in the conversations on why self-regulation has been insufficient. “Self-regulation should be reserved for only organised media with trained professionals, who adhere to a widely accepted code of ethics, and not for the online media open to anyone with an internet connection, smart device and the requisite skill to play with techs.” (Participant D, NBC Focus Group).

On the other hand, all participants within the online media focus groups expressed full support for self-regulation. However, there was an agreement that the freedom should be exercised with social responsibility. Media freedom, editorial independence, free speech, freedom of information and 'free from interference' were the key words and phrases that featured in the discussions. ““Regulation is only a tool to gag the media. It serves no other purpose. Don't believe what the government tells you about regulating the online media.”- **Participant G, Online Media Focus Group**

How sufficient is self-regulation for internet-based media in Nigeria? Data obtained from the questionnaire and FGDs have revealed that self-regulation is not sufficient for regulating internet-based media in Nigeria. The result of this study sheds more light on why the National Assembly has been bent on legislating on internet-based media regulation in Nigeria. As at the time of writing this research report, there are two bills on internet-based media regulation undergoing consideration before the National Assembly: Protection from Internet Falsehood and Manipulation Bill 2019 and The National Commission for the Prohibition of Hate Speech Bill. The two bills were greeted with opposition from some stakeholders, particularly, journalists, social media influencers, bloggers, civil society players, and some social media users. Amnesty International had calls on the legislators to discard the bills (Amnesty International, December 4, 2019). The international human rights watchdog pointed out that international law and standards required States to prohibit in law advocacy of hatred that constitutes incitement to discrimination, hostility or violence, commonly known as hate speech. However, such prohibitions need to be set forth in law and formulated precisely. The law and its application must also comply with the required guarantees on the right to freedom of expression, and in particular must meet the requirements of necessity and proportionality, in compliance with Article 19(3) of the International Covenant on Civil and Political Rights (ICCPR). The organization believes that the Protection from Internet Falsehood and Manipulation Bill 2019 and the National Commission for the Prohibition of Hate Speech bill, which surfaced in before the National Assembly in 2019, would hurt internet-based media if passed into law.

Conclusion and Recommendations

The study generated quantitative data from the Survey showing the challenges of regulation, defects of existing legislations for the regulations, and sufficiency of self-regulation in the new media. The study found that majority of the respondents had negative perception towards regulating internet-based media in Nigeria. The majority of the respondents polled indicated weak enforcement of existing laws as the major challenge of regulating internet-based media in Nigeria using legislations. A majority of the respondents also indicated that absence of a single regulatory agency to monitor regulations of internet-based media in Nigeria is a defect of existing legislations. In the final analysis, most of the respondents indicated that self-regulation is not sufficient for the regulation of internet-based media in Nigeria as most content creators on the internet are not trained journalists and may not understand the requirements of social responsibility.

Sequel to the above findings, it is recommended that the Federal Government of Nigeria should immediately fuse the responsibility of the National Broadcasting Commission (NBC), Nigeria Communications Commission (NCC) and Nigeria Press Council (NPC) with added responsibility of regulating the internet-based media. There is also the need for the FGN to come up with a national framework and policy to drive the regulation of internet-based media. This can be made possible by actively engaging Civil Society Organisations (CSOs) on the need to provide some level of sanity in the operations of internet-based media. Moreover, a two-prong approach of self-regulation and statutory regulation is regulated.

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