






Stakeholders Perception of Court Ban on NBC's Power to Impose Fine

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Abstract

On January 17th 2024, the court banned the National Broadcasting Commission (NBC) from its usual practice of imposing fines on erring media organisations. The study examined the perspectives of stakeholders on the Court ban on NBC's power to impose fine, using qualitative research design. Key Informant Interview KII was conducted with media practitioners, lawyers, academics, and NBC officials using Interview Guide as Data Collection instrument. The study, anchored on Social Responsibility Theory, revealed stakeholders' diverse perspectives on the ban. While some believe it will limit NBC's regulatory power others believe the injunction will not affect their regulatory powers in any way. The study in conclusion emphasised the need for NBC to explore alternative regulatory mechanisms to effectively oversee the broadcast sector. It finally recommended the need for stakeholders to convene round table discussions in order to address issues affecting broadcast media industry.

Keywords: National Broadcasting Commission, Broadcasting Regulations, Court Ban, Stakeholders.

Introduction

According to Skogerbo (2022), broadcasting regulations are the political decisions, and legal and economic instruments by which broadcasting activities, mainly radio and television services directed at a mass audience are governed. These regulations are fundamental to the growth of broadcasting in Nigeria, they are the sets of principles, laws, and regulations guiding the operations of Broadcasting. In Nigeria, the National Broadcasting Commission (NBC) is the regulatory agency responsible for regulating and controlling broadcasting (Ijaodola & Olawunmi, 2020). According to Nwammuo & Ono (2021), the commission was established on August 24, 1992, under Decree 38 of 1992, later amended by Act 55 of 1999 and the National Broadcasting Commission Laws of the Federation 2004, CAP N11. This Commission's regulatory powers extend to stations operated by federal, state, and local governments, as well as those under private ownership. The NBC meticulously considers and evaluates the applications for Broadcasting licenses and forwards recommendations to the Minister of Information. The Minister, in turn, presents these recommendations to the President, who then approves the issuance of radio and television licenses (NBC 1992)

The Nigerian Broadcasting Commission (NBC) performs several functions which include licensing, content monitoring, and sanctioning (Ihechu & Okugo, 2013). They are also responsible for receiving, processing, and evaluating applications for the establishment, ownership, or operation of various broadcasting mediums (Media Rights Agenda, 2021).

However, recent events have cast a doubt on the NBC's regulatory power to impose fines as a legal dispute initiated by the Media Rights Agenda (MRA) challenged NBC's imposition of fines on broadcast houses for airing a documentary addressing security concerns in Zamfara State (Media Rights Agenda 2023). The court ruling invalidates sections of the Nigeria broadcasting code unilaterally imposing fines, asserting that regulatory bodies like the NBC should not carry judicial functions. This ruling raises fundamental questions about the trajectory of media regulation in Nigeria by examining the perspective of stakeholders on court ban on NBC power to perform its constitutional duties of regulating the broadcast media by imposing fines.

Statement of the Problem

Previous studies have been conducted on the regulatory approach of NBC, the history of broadcasting regulation, its origin, and development over time (Oluwaseun 2020; Adeniyi et al. 2019; Ihechu & Okugo, 2013; Beli & Inuwa 2014); Talabi et al (2023). In a study by Oluwaseun (2020), he noted that broadcast journalists have not been giving full adherence to the dictates of NBC because the commission saddled with the responsibility of enforcing adherence is yet to be at its best in ensuring full compliance with the provisions of the code. Adeniyi et al. (2019) also noted that NBC's regulatory approach contradicts democratic principles by assuming multiple roles.

In a similar study, Beli & Inuwa (2014) examined the extent to which NBC regulates broadcasting in Nigeria, the challenges the commission encountered, and the strategy to overcome the challenge of enforcement that NBC often encounters. The findings of the study shows that NBC has a comprehensive system and legal backing to regulate broadcasting in Nigeria. However, it faces a lot of challenges ranging from political interference, corruption, underfunding, dependency among others. In a similar study by Talabi et al (2023) on the Implementation of Nigeria Broadcasting Code: A Perspective of International Broadcasters, findings show that international broadcasters cannot be regulated through the Nigeria Broadcasting Code and that there are no clear-cut international regulations the country can rely on in dealing with these trans-national stations in case of violations of provisions of Nigeria Broadcasting Code in their broadcasts. Ihechu and Okugo (2013) noted that the NBC is not fully independent emphasizing the need for the Nigerian Broadcasting Code as a regulatory body to be independent and encourage pluralism and healthy competition in the industry. Despite the increasing studies on the regulatory powers of the NBC, none of the studies looked into the recent court ban on the NBC's regulatory power to impose fines, The National Broadcasting Commission (NBC), as the regulatory body overseeing broadcasting activities in Nigeria, encountered a significant

setback on January 17, 2024. when a court ruling declared unlawful its longstanding practice of imposing fines on broadcast media for regulatory violations. This ruling came as a result of a legal challenge brought forth by the Media Rights Agenda, questioning NBC's authority to exercise judicial powers (Kolawole, 2024) This study therefore examined stakeholders' perceptions of the court ban on NBC's power to impose fines, their views on the NBC's regulatory approach, and the future of broadcasting regulation in Nigeria.

Research Objectives

The study seeks to:

- i. To examine stakeholders' perception on the court ban on NBC's power to impose fines
- ii. To examine stakeholders' perception on the implication of the court ban on NBC's power to impose fines
- iii. To determine stakeholders' perception on how broadcast stations should be regulated

Research Questions

- i. What are the stakeholders' perceptions on the court ban on NBC's power to impose fines?
- ii. What are the implications of the court ban on NBC's power to impose fines?
- iii. What are the stakeholders' perceptions on how broadcast stations should be regulated?

Literature Review

Evolution of Nigeria Broadcasting

Broadcasting in Nigeria can be traced back to 1932 when radio broadcasting was first introduced in the country. It started when the British colonial government established the Nigerian Broadcasting Service (NBS) to pass information from the British Empire Service from England to Nigeria (Nwammuo and Ono (2021) According to Daramola (1997) cited in Beli & Inuwa (2014) The primary goal of introducing radio broadcasting in Nigeria was to foster the hold of the British colonialist on the country for political, cultural, and economic reasons. In the late 1940s to the mid-1950s, re-diffusion was the primary mode of broadcasting in Nigeria. This involved the transmission of radio signals to wired loudspeakers in public places, which were then relayed to the public. Television broadcasting was introduced in Nigeria in 1959, with the establishment of Western Nigerian Television (WNTV) in Ibadan. The WNTV was followed by the establishment of the Eastern Nigerian Television (ENTV) in Enugu in 1960. The Nigerian Broadcasting Corporation (NBC) was established in 1977 to oversee the broadcasting industry in Nigeria. The NBC was responsible for regulating and controlling the broadcast industry, as well as granting licenses to broadcasting stations (Akinfeleye, 2011; Harvey, 1999). In 1992, the Nigerian

government deregulated the broadcasting industry, allowing private companies to establish radio and television stations. In 1992, the NBC was established and today, Nigeria has a thriving broadcasting industry, with numerous private and public radio and television stations operating in the country.

Broadcasting Regulations: Global Perspective

In Europe, the sociopolitical milieu significantly influences media regulation and freedom, reflecting a complex interplay of historical, cultural, and democratic principles. One key aspect of European media regulation is the commitment to pluralism and diversity, rooted in the belief that a variety of voices and viewpoints are essential for a vibrant democratic discourse. This principle is enshrined in documents like the European Convention on Human Rights, which safeguards freedom of expression as a fundamental right (Council of Europe, 1950). However, this commitment also necessitates regulatory mechanisms to prevent monopolization of media ownership and ensure equitable access to information. It goes without saying that it is nearly impossible to extricate the socio-political milieu of a country from its stiffness, and, or laxness, of media regulation. Therefore, there is a concomitant need for media scholars and practitioners alike to understand the nature, scope, and jurisdiction of relevant regulatory bodies, the judicial system and other constituted authorities based on the provisions of the socio-political climate. Harvey (1999 P.1), the study of broadcasting regulation "has started to creep into the edges of the media studies curriculum."

Comparatively speaking, The Federal Communications Commission (FCC) of the United States and the NBC of Nigeria are equivalents in that they have administrative jurisdiction to regulate broadcasting in their respective countries. The FCC regulates interstate and international communications by radio, television, wire, satellite and cable in all 50 states, the District of Columbia and U.S. territories. In the same breath, Nigeria and the United States are both democracies with freedom of speech enshrined in their various constitutions. This provides the perfect context for examining both broadcast regulatory agencies and the scope of their jurisdiction. Harvey (1999, p.2) states:

Regulation involves intervention by the state in areas of economic, social or cultural life according to whatever political norms are characteristic of that nation state. Regulations may be administered directly by government, as it was in Nigeria before 1992. It could also be through statutory agencies that enjoy some degree of independence from government. This is exemplified by National Broadcasting Commission, NBC, of Nigeria; the Federal Communications Commission, FCC, of USA; and Independent Television Commission, ITC of United Kingdom. Both the FCC in the United States and the NBC in Nigeria operate within presidential and federal systems. Beyond this structural similarity, both countries share additional commonalities in their political landscapes. In USA, the broadcasting regulation is rooted in the First Amendment of the American Constitution in Nigeria, the National Broadcasting Commission, NBC, is solely in charge of broadcasting regulation. The body was established by Decree 38 of 1992 that was later amended by the National

Broadcasting Commission (Amendment) Decree No 55 of 1999 under the administration of General Abdulsalami Abubakar (MRA, 2001, p.10).

Interestingly, both countries empowered their respective regulatory agencies based on the provision of their respective constitutions. The FFC was created based on the provisions of the first amendment which primarily seeks to guarantee the freedom of the people to speech and expression. Conversely, the NBC was empowered to protect the nation and its political structure, and this objective, is equally drawn from the provisions of the Nigerian constitution. The objective of nation and governmental protection is primarily exercised through the NBC's power of issuance and revocation of licenses. It has been established that the commission serves as an agent of government thereby obscuring its agenda of pluralism in the broadcast sector.

The FCC and NBC bear striking resemblances in their functions and powers concerning the regulation of broadcasting within their respective nations. Both entities serve as regulatory authorities tasked with overseeing the broadcast media landscape, ensuring compliance with legal and regulatory frameworks, and upholding standards of content dissemination. Likewise, the NBC in Nigeria possesses analogous administrative powers, including the authority to issue fines for breaches of broadcasting regulations within the country. These fines are believed to serve as a mechanism for enforcing compliance and maintaining standards of professionalism and accountability among broadcasters operating in Nigeria.

Theoretical Framework

The Social Responsibility Theory of the Press (SRT) propounded by Siebert et al (1956) posits that media outlets have a responsibility to serve the public interest, uphold democratic ideals, and provide accurate, impartial information to the populace (McQuail, 2005). This theory emerged in response to critiques of the libertarian theory, which advocated for minimal government intervention in media affairs. Unlike the libertarian perspective, which prioritizes freedom of expression, the SRT emphasizes the media's duty to act as a watchdog, holding powerful institutions accountable and promoting informed citizenship (McQuail, 2005).

According to SRT, media organizations are expected to adhere to professional standards of journalism, maintain editorial independence, and avoid sensationalism or bias in reporting. Furthermore, the theory underscores the importance of media diversity and pluralism in facilitating a robust marketplace of ideas (Siebert et al., 1956). By providing a range of perspectives and voices, media outlets contribute to a well-informed public discourse essential for a functioning democracy.

Moreover, SRT emphasizes the media's role in fostering social cohesion and promoting societal values. Media organizations are expected to contribute positively to the cultural fabric of society by promoting tolerance, diversity, and understanding (McQuail, 2005). Through responsible reporting and programming, media outlets can help bridge societal divides and promote dialogue and empathy among diverse communities.

In the realm of media ethics and governance, the SRT stands as a cornerstone principle. Developed in the mid-20th century, this theory posits that the media holds a responsibility to serve the public interest, uphold democratic ideals, and provide accurate, impartial information to the populace. In conjunction with this theory, broadcast regulatory agencies like the FC in the United States play a pivotal role in overseeing the media landscape, ensuring compliance with ethical standards and legal regulations. This essay delves into the tenets of the STR to elucidate the role of regulatory bodies such as the FCC in upholding these principles. Similarly, the NBC in Nigeria performs the duties of regulating the broadcast industry. Social responsibility theory prioritizes self-regulation of the media. This theory was cultivated by Denis McQuail as an improvement upon earlier normative theories of the press. Social responsibility theory minimizes external or governmental control over the press while ensuring that the press upholds core ethical principles through self-regulation or administrative regulation.

The SRT emerged as a response to critiques of the libertarian theory, which posited that the media should operate with minimal government intervention and serve primarily as a marketplace of ideas. While libertarianism champions freedom of expression, it often overlooks the potential consequences of media power and influence on society. In contrast, the SRT emphasizes the media's duty to act as a watchdog, safeguarding the public interest and promoting informed citizenship (McQuail, 2005). According to this theory, media outlets have a moral obligation to provide accurate, comprehensive information, facilitate public discourse, and hold powerful institutions accountable. This entails maintaining editorial independence, adhering to professional standards of journalism, and avoiding sensationalism or bias in reporting. Additionally, the SRT underscores the importance of media diversity and pluralism to ensure a range of perspectives are represented, fostering a robust marketplace of ideas (Siebert et al., 1956).

Methodology

This study employed a qualitative research approach using Key Informant Interview (KII) to get data from stakeholders on their perspectives on the recent court ban on NBC's power to impose fines. It uses interview guide as research instrument. A purposive sampling technique was used to select stakeholders which includes NBC Officials, Lawyers, Media Practitioners and seasoned academics to get their various perspectives on the issue under discussion. The choice of the respondents was based on their level of experiences and professional expertise. These researchers conducted face-to-face interviews with each of the respondents and their views and perspectives are analysed below.

Result

R.Q 1: Stakeholders perspective on Court Imposed Limitations on NBC Power to impose fines?

The recent court decision regarding the National Broadcasting Commission (NBC) has ignited intense debate among stakeholders, revealing contrasting perspectives.

Respondent A who is a Lawyer noted that the court's decision does not limit the NBC's regulatory power but rather upholds principles of natural justice and fair hearing as enshrined in the constitution and advocates for legal recourse and impartial adjudication in cases of regulatory violations. He stated:

The Court is not limiting NBC's regulatory power in any way rather, what the court is trying to say is that the imposition of fine by NBC is against the rule of Natural Justice and Fair hearing according to section 36 of the Nigerian Constitution. The court is saying that when people bridge the law of the NBC, they should be brought to the Court and both parties should get a lawyer for fair hearing and the court should be the one to decide which party is wrong or not before imposing fine.

Respondent A also highlighted some concerns about the potential bias in the NBC's operations due to governmental control stating that "the NBC can be biased in its regulatory function as the Government is the one controlling the NBC, the Chairman of the NBC being the serving Minister of Information".

However, on the contrary, Respondent B who is an academic views the court's ruling as a limitation on the NBC's constitutional role, and noted the court has some questions to answer. "Why banning the NBC from perform its constitutional roles? Has NBC overstepped its boundaries? Did the court consult with the NBC to call them to order?" Stating further, "the Nigerian Court is setting a bad precedent" as according to him, "I will not be surprised if they do same to other regulatory agencies."

Respondent D emphasized the need for the court Ban stating that NBC cannot be a judge in its own case.

You can't be a judge in your own case, because how would the NBC say it is regulating the industry and also be the one to impose fines it's not proper. NBC is for government so whether we like it one not, there will be bias, if someone comes to say things against their principle obviously, they would want to stand up and fight, so what the court said is the best solution to the situation.

Respondent E who is a media practitioner, supports the court's decision, citing instances of non-compliance with NBC's regulations by private stations and the ineffectiveness of fines as a regulatory tool. He added:

We have seen cases where private broadcast stations go against NBC code overtime and the NBC is not able to regulate them regardless, they can pay the fine and continue operating with impunity.

The respondent remark shows that the court ruling is not particularly out of place, especially since the imposition of fines by the NBC has not been an effective mechanism of broadcast regulation.

Respondent F highlighted concerns about media excessiveness and government influence, emphasizing the need for balance to prevent undue control or unfettered freedom in the broadcast industry. According to him, "to achieve decorum there is need to strike a balance, if not, our nasty experience with social media will replicate itself in the broadcast industry." He highlighted cases where media houses have been reckless in the way they push certain

incredible and libelous news to the public to attack certain individuals. Similarly, he pointed out how NBC has been used as tools to clamp down on some media houses, which are perceived as antagonistic to the ruling class.

Respondent G who is a media practitioner agrees with Respondent. B on the need for NBC to retain its power to impose fines and the need for the power to be withdrawn if used wrongly. He stated thus:

If the NBC Code is applicable to certain stations and not all stations that is where the court comes in, the NBC cannot just do things the way they want, because that is what the NBC has been doing lately that occasioned the court intervention to be sought. In the same vein, if you don't have the NBC, there won't be any agency to regulate the media. So, there is need to balance the situation.

Respondent G who is a media practitioner noted that the NBC is not only working for the government but is also a revenue generating agency for the government hence, the need for Court to prohibit them from imposing fines

According to him, "he who pays the piper dictates the tone, as the NBC is being funded by Government, it is not unexpected that it will seek to protect the Government."

The diverse perspectives presented on the court's ruling regarding the National Broadcasting Commission (NBC) underscore the complex nature of regulatory oversight in the media landscape. While some argue that the court's decision limits the NBC's constitutional powers, others contend that it reinforces principles of fairness and natural justice. Concerns about bias, politicization, and the ineffectiveness of fine imposition by the NBC highlight broader questions about regulatory authority and accountability. Ultimately, striking a balance between regulatory power and impartial oversight remains paramount in ensuring a vibrant and responsible media environment, where neither excessive control nor unchecked freedom prevails. The court's ruling serves as a catalyst for reflection and dialogue on the evolving dynamics of media regulation and governance.

R.Q 2: What are the implications of Court Ban on NBC's Power to Impose fines?

The stakeholders emphasized that the court ban have several implications, both positive and negative. Respondents A noted that the court ban cannot affect the NBC in any way as it will even strengthen media professionalism. He believes the ban will now make media houses to be more objective as they won't be scared of being sanctioned illegally for broadcasting things based on truth because most times the government in power use the NBC to get back on some media stations that is often against the government. He stressed that:

The court ban cannot affect the NBC in any way; it may even strengthen media professionalism. Broadcasters will now feel more objective as they won't fear illegal sanctions for broadcasting truth. Often, the government uses the NBC to retaliate against media stations that don't conform to their agenda.

In agreement with the above position, Respondent D stated that the Court ban will not affect NBC regulatory power as the imposition of fine is not the only regulatory measure

that can be used for regulation "Regulation goes beyond imposing fines, their powers have not been reduced in any way, it could come with suspensions, withdrawal of license, and warnings meetings" According to him the court ban has given them opportunity to look within themselves to see other different ways by which they can regulate the industry without imposing fines.

Respondent D also noted that media professionalism in Nigeria is dead even with the way NBC has been trying to impose fines. According to him,

It is dead because we see everybody and anybody getting into the industry without proper training and certification, many people think if they can speak good English, they can call themselves on-air-personality OAP, even before the courts ban.

In contrast to the above position, Respondent C highlights that the normal media practices will be affected as the checks and balances that are supposed to exist will be affected.

Respondent F noted that he stands with the court's ruling as he believes if the payment of fines is not part of the punitive measures, it will not affect the power of the NBC to regulate the broadcast industry negatively. He noted that other measures can be utilized like revocation of license, the punishment of certain media practitioners and suspension among others.

I stand with the court's ruling as other measures like license revocation, warning, and suspension of operation for a short time can still be utilized effectively as against imposition of fine.

Respondent E believes the implication of the ban on NBC is that it can affect the NBC's ability to fulfill its regulatory role in overseeing broadcast content, and this can in-turn lead to a situation where what is happening on social media will creep into the broadcast space. But contrary to that position is the fact that it is only the weapon of fine imposition that is withdrawn, other instruments can be used to sustain sanity in the industry.

RQ 3: What are the stakeholders' perceptions on how broadcast stations should be regulated?

Each respondent offers a unique perspective on the matter of regulating broadcast stations and the imposition of fines by the National Broadcasting Commission (NBC). Respondent A, a lawyer, advocates for continued regulation by the NBC but proposes that the court should have the authority to determine whether fines are warranted and if yes, how much? This viewpoint emphasized the need for a balanced approach, where regulatory oversight is maintained while ensuring that penalties are assessed fairly through judicial review. "Regulatory oversight is crucial, but it's equally important that penalties are assessed fairly through judicial review".

In contrast, Respondent B stresses the importance of empowering the NBC to impose fines independently. He argued that the court ban on the NBC's ability to impose fine is like limiting the commission's ability to enforce regulations effectively. This perspective reflects a belief in the autonomy of regulatory bodies to administer penalties as it deems necessary so as to uphold broadcasting standards. She explained that:

Empowering the NBC with independent authority to impose fines is paramount for effective enforcement of regulations. The court ban on the NBC's fine-imposing powers not only limits the commission's ability to maintain broadcasting standards but also undermines its autonomy as a regulatory body. This perspective underscores the fundamental belief that regulatory bodies should be autonomous and must possess the legal power to administer penalties and to invoke other regulatory instruments deemed necessary for media organization that breaches the broadcasting standards.

Respondent C brings attention to the need for governmental intervention to ease restrictions on the NBC's ability to impose fines. He affirms that:

Governmental intervention is imperative to alleviate restrictions on the NBC's capacity to impose fines, facilitating more effective enforcement of broadcasting standards. Moreover, there is a pressing need for enhancements in the NBC's regulatory methods to ensure robust oversight of the broadcast industry. By addressing these concerns, policymakers can improve the NBC's ability to fulfill its regulatory mandate and uphold the integrity of broadcast content, ultimately fostering a more accountable and professional media environment.

These viewpoints suggest a belief that a more flexible regulatory framework coupled with enhanced enforcement mechanisms could lead to better compliance and adherence to broadcasting standards.

Discussion of Findings

The objectives of the study were to examine stakeholders' perception on the court Ban on NBC's power to impose fines, its implications and how broadcast stations should be regulated. The findings show contrasting viewpoints.

Legal perspective

From the legal perspective, it was discovered that the Nigerian Broadcasting Commission (NBC) operates as a significantly politicized institution, primarily tasked to safeguard the interests of the government and state institutions. It is believed that there is a potential bias in NBC's operations due to governmental control, findings emphasize that NBC cannot be a judge in its own case, highlighting the need for an impartial body. The finding aligns with viewpoints of Oluwaseun (2020) who opined that the National Broadcasting Commission saddled with the responsibility of enforcing adherence is yet to be at its best in ensuring full compliance to the provisions of the code. This proposition also aligns with Beli & Inuwa (2014) who note that NBC has a comprehensive system and legal backing capable of regulating broadcasting in Nigeria. However, it faces a lot of challenges ranging from political interference, corruption, underfunding, dependency, etc. The legal practitioners stated that allowing the NBC to penalize without external oversight violated principles of fair hearing and natural justice, as outlined in Section 36, hence supporting the ruling of the court. NBC is viewed as heavily politicized, with concerns raised about its potential infringement on press freedom, hindering journalists' ability to fulfill their duties

impartially. The legal practitioner gave a sweeping condemnation of NBC's performance, desiring the agency as compromised and equally ineffective.

Media studies lecturers' perspective

On the contrary, academics in media studies departments differs from the legal perspective, stressing NBC's constitutional right to enforce fines within the democratic framework. They viewed the court ruling as a constraint on the NBC's authority while condemning it for not engaging stakeholders before such a fundamental adjudication. The lecturers explained that if the court can so neuter a regulatory agency without any prior consultations and dialogue, this could create a slippery slope and more regulatory agencies in the country might face the same wrath. They described the implication of the decision as potentially harmful. One practitioner cautioned against making blanket assessments, advocating instead for a balanced evaluation on a case-by-case basis. The consensus among lecturers shows the necessity of institutional dialogue to inform regulatory decisions. Overall, lecturers condemned the decision of the court, and dismissed the ruling as unconstitutional. Their argument supports the constitutional viewpoint of (Ihechu & Okugo, 2013) on the regulatory functions of NBC which includes licensing, content monitoring, and sanctioning. Lecturers in media studies further explained that the ruling of the court could set a dangerous precedent. They noted instances where the NBC demonstrated fairness and professionalism alongside cases tainted by corruption and political influence. The academic perspective reiterated that the power of the NBC to impose fines should be strengthened and that they should even involve larger sums of money to serve as deterrent to erring media organisation. The academic perspective reinforced the need for internal engagement to provide a lasting solution and that all necessary avenue should have been explored before the imposition of the ban. The academic perspective stressed the need for a collaborative role between the NBC and the court on the issuance of fines. The academic perspective insisted that the court has set a bad precedent by rubbishing their sister organization.

Media practitioners' perspective

The media practitioners had divergent views as some believed there has to be some degree of media regulation by the NBC by way of imposition of fines. According to them, it is a valuable instrument and mechanism of industry regulation and that the absence of this instrument would allow for impunity in Nigerian broadcasting. Other media practitioners disagreed and maintained that the power of the NBC to impose fines is an ineffective mechanism for regulating the industry. They proposed that NBC should utilize other measures like suspension, issuance of warnings, cause legal action to be taken against erring media outfit among others. Another media practitioner characterized the question as tricky, underscoring the difficulty in responding while working within a government-affiliated station, however, he noted that the NBC had been moderately effective in

discharging their statutory functions. With more efforts put in place, NBC will be able to effectively regulate the industry.

Some media practitioner also advocates regulatory power for NBC but cautioned against making blanket assessments, calling instead, for a balanced evaluation on a case-by-case basis. He noted instances where the NBC demonstrated fairness and professionalism while there are compromised cases by corruption and political influence.

Furthermore, some of the practitioners noted that the National Broadcasting Commission is weak, and questioned the prospect of a weakened NBC's ability to effectively regulate broadcast industry and remain impartial in applying regulatory powers. However, a practitioner from Metro FM expressed dissent, advocating for the abolition of the NBC's power to impose fine adding it lacked the ability to effectively regulate the broadcasts industry.

Conclusion

In conclusion, the perspective on the court's ruling produced polarizing views among stakeholders. While media practitioners generally supported the ruling for its perceived benefit in curtailing what they saw as ineffective regulatory measures, the legal perspective emphasized the dangers of the NBC's fine imposition power, viewing it as potentially detrimental to fundamental rights and freedoms of expression. Furthermore, while the FCC and NBC both operate in comparable political climates and derive their powers from their respective constitutions, the vehement opposition against the NBC's power to impose fine by the legal professionals contrast sharply with the academic perspective's condemnation of the court's swift decision without stakeholder consultations. Conclusively, this research suggests that the court's abolition of the power to impose fines may not significantly impact its regulatory abilities. However, it highlights the need for the NBC to explore alternative regulatory mechanisms to effectively oversee the broadcast sector. Additionally, the research underscores the imperative for the NBC to reevaluate its role and functions to better align with international best practices of media regulation, ensuring the protection of both freedom of expression and the public interest.

Recommendations

Based on the perspectives of the stakeholders, the following recommendations are proposed for improving broadcasting regulations:

1. Round Table Dialogue: Facilitate a regular round table dialogue between the judicial system, the Nigerian Broadcasting Commission (NBC), and media practitioners. This forum would provide an opportunity for constructive discussions on regulatory challenges, legal considerations, and industry best practices, fostering collaboration and mutual understanding.
2. Enhanced Monitoring and Communication: The NBC should intensify efforts to closely monitor broadcast stations, promptly identifying those in violation of

regulations. Additionally, fostering open lines of communication with broadcast stations can facilitate better compliance and enable swift resolution of issues.

3. **Educational Seminars and Workshops:** Organize seminars and workshops aimed at educating broadcast industry stakeholders, including station owners and media professionals, on ethical considerations and regulatory compliance. These sessions can serve as platforms for knowledge-sharing, promoting ethical conduct, and raising awareness of regulatory standards.
4. **Professional Qualification and Training:** Emphasize the importance of media practitioners holding relevant qualifications and undergoing continuous training in media ethics, broadcasting standards, and regulatory compliance. This ensures that professionals are equipped with the necessary skills and knowledge to uphold industry standards.
5. **Exploration of Alternative Measures:** Consider alternatives to the imposition of fines as punitive measures for regulatory violations. This could include measures such as warnings, suspension of broadcasting privileges, or mandatory corrective actions. Such measures aim to foster compliance while minimizing punitive measures that may hinder industry growth.

Implementing these recommendations can contribute to a more effective and ethical broadcast regulatory framework in Nigeria, promoting industry professionalism, accountability, and adherence to regulatory standards.

Limitations to the Study

Limitations to the study encompass several factors that may affect the generalizability of the findings. Firstly, despite efforts to include the perspective of Nigerian Broadcasting Commission (NBC) officials, their unwillingness to participate in the study resulted in the absence of their insights. Despite reassurances of the academic nature of the study, their non-participation limited the depth of understanding regarding regulatory perspectives. Additionally, time constraints posed a significant limitation, impacting the ability to engage a broader range of stakeholders. This limitation may have restricted the diversity of perspectives represented in the study, potentially affecting the breadth of generalizations that can be drawn from the research findings.

These limitations underscore the need for cautious interpretation of the study results and highlight avenues for future research to address these gaps. Efforts to mitigate these limitations could involve continued outreach to NBC officials for participation and allocation of sufficient time for comprehensive stakeholder engagement to ensure a more inclusive and representative study sample.

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