

Topic: Artificial Intelligence, Free Speech, and Defamation: Navigating Jurisdiction and Legal Boundaries in Nigeria's Digital Age

1. Abstract

It is incontrovertible that the emergence of Artificial Intelligence (AI) in Nigeria's digital sphere has transformed the process of information creation, sharing, and consumption. The opportunities for free expression have increased significantly, with internet penetration exceeding 48% and millions of Nigerians actively using social media.¹ Meanwhile, there has been an increase in the risks of abuse, especially by way of defamation.² Artificial intelligence has enabled the efficient creation and dissemination of malicious contents³ that question the personal reputations as well as legal responsibility. This research will discuss the nexus of AI, free speech, and defamation in the age of the digital era in Nigeria. It is concerned with how far the current legal and institutional structures in Nigeria, along with the associated regulatory frameworks, can accommodate the new reality of AI technologies. It further emphasizes the jurisdictional challenges posed by borderless online spaces and anonymous users, which frequently hinder the enforcement process.

Keywords: Artificial intelligence, free speech, defamation, digital age, jurisdiction, Nigerian Laws, Internet Defamation.

¹ Folmi Yohanna and Sikkam Ibrahim Suleiman, 'The Impact of Artificial Intelligence on Creativity, Innovation and Intellectual Property Rights in Nigeria' Imam Ja'afar Al-Sadiq University Journal of Legal Studies,(2024) Art 6 4(2) , DOI: 10.64682/3104-9419.1101 <<https://ijsu.researchcommons.org/ijsu/vol4/iss2/6> >accessed 22 August 2025.

² ARTICLE 19, 'Defining Defamation: Principles on Freedom of Expression and Protection of Reputation' (Policy Brief, 2017) <[https://www.article19.org/data/files/medialibrary/38641/Defamation-Principles-\(online\)-.pdf](https://www.article19.org/data/files/medialibrary/38641/Defamation-Principles-(online)-.pdf)> accessed 22 August 2025.

³ This could be fake stories, bot-generated misinformation, and deepfakes which is popular in this digital age.

2. Introduction

The digital era of social media and Artificial Intelligence has significantly influenced how societies interact, share, and challenge reputations.⁴ This change is noticeable in Nigeria, the most populous and one of the largest digital markets in Africa.⁵ Internet connectivity has, over the last twenty years, become a luxury that only a few elites can afford, rather than an economic tool that drives commerce, education, politics, and socialization.⁶ Around April 2025, internet penetration, as reported by the Nigerian Communications Commission (NCC), was 48.15%, which represents an improvement from 40.09% in 2020 and translates to more than 142 million active subscriptions.⁷ However, this evolution remains below 70 percent of the National Broadband Plan (2020–2025).⁸ Alongside, data usage has been increasing, with Nigerians consuming nearly 1 million terabytes of data in January 2025 alone, highlighting the importance of digital communication in everyday life.⁹

⁴ In the era where on daily basis there are new innovations, the ways of communications and sharing of same has been greatly affected by the introduction of Artificial intelligence and Nigeria is not excluded from this.

⁵ B Ndemo, 'Financial Inclusion: The Case for a Cashless Economy in Africa' *Journal of Public Administration and Governance* (2017) 4(4) 43, 44.

⁶ Paulina Walko, 'Internet access as a tool for boosting economic and social equality' *LSE International Development* (29 November 2022) <<https://blogs.lse.ac.uk/internationaldevelopment/2022/11/29/internet-access-asa-tool-for-boosting-economic-and-social-equality/>> accessed 22 August 2025.

⁷ Damilola Bukola Omokanye, 'Internet Access in Nigeria: The Evolving Landscape' *The Borgen Project* (23 July 2025) <<https://borgenproject.org/internet-access-in-nigeria/>> accessed 28 August 2025.

⁸ Sonny Aragba-Akpore, 'Obstacles to 70% broadband penetration' *ITEdgeNews* (25 June 2025) <<https://www.itedgenews.africa/obstacles-to-70-broadband-penetration/>> accessed 22 August 2025.

⁹ Aayushya Ranjan, 'Nigeria's Internet Data Usage Surges Past 1 Million Terabytes in January' *TechAfrica News* (21 February 2025) <<https://techafricanews.com/2025/02/21/nigerias-internet-data-usage-surges-past-1-millionterabytes-in-january/>> accessed 22 August 2025.

Between this change is the emergence of social media,¹⁰ currently, they have millions of users in Nigeria, totaling over 36 million social media accounts as of 2024.¹¹ It is these spaces that serve as contemporary marketplaces of ideas, enhancing political arguments, cultural encounters, and grassroots activism, and are engaged in reputation-making on behalf of people, corporations, and social leaders.¹² Nevertheless, the same media have been used to spread abuse in the form of misinformation and cyber-bullying, as well as defamation. The two-sided nature of the digital space, which empowers freedom of expression while also posing reputational damage, raises some fundamental questions concerning the sufficiency of the legal system in Nigeria in the context of technological disruption.¹³ A further layer of complexity arises with the rapid development of Artificial Intelligence (AI). In comparison to traditional digital channels, AI does not simply store and pass information; it can also create, manipulate, and share content.¹⁴ Artificial intelligence (AI) generative can create synthetic text, images, videos, or even deepfakes that replicate real people

¹⁰ Platforms such as Facebook, YouTube, Instagram, TikTok, and WhatsApp

¹¹ Statista, 'Leading social media platforms in Nigeria' Statista (2021) <<https://www.statista.com/statistics/1176101/leading-social-media-platforms-nigeria/>> accessed 28 August 2025.

¹² Francisco Flores, 'Corporate activism best practices in the age of social media' (Thesis/Dissertation, Pepperdine University 2022) <<https://digitalcommons.pepperdine.edu/cgi/viewcontent.cgi?article=2278&context=etd>> accessed 22 August 2025.

¹³ *Obi v. I.N.E.C.* (2007) 11 NWLR (Pt. 1046) 565.

¹⁴ George Wilson, Oliver Johnson and William Brown, 'The Impact of Artificial Intelligence on Digital Marketing Strategies' ResearchGate (August 2024) <https://www.researchgate.net/publication/383139894_The_Impact_of_Artificial_Intelligence_on_Digital_Marketing_Strategies> accessed 23 August 2025.

with frightening similarity. Although these technologies broaden creative expression and innovation, they also amplify the chances of fake news being disseminated on a large scale.¹⁵

The Nigerian legal framework serves as a starting point, but it has apparent limitations to its application.¹⁶ Cybercrimes Act criminalizes cyberstalking¹⁷ and internet harassment,¹⁸ whereas the Nigerian Data Protection Regulation (NDPR) of 2019 tries to regulate the use of personal data in the digital world.¹⁹ Nonetheless, none of these tools directly targets AI-mediated defamations and harms, which could be algorithmically amplified misinformation, bot-created defamation, or cross-border jurisdictional complications. Nigerian courts and policymakers are often left to contend with outdated legal provisions that cannot reflect the realities of digital communication in the twenty-first century.²⁰ The issue of jurisdiction make it complicated as most AI systems and online platforms operating within Nigeria are based outside the country, typically in the United States or Europe.²¹ By the time defamatory or harmful messages have been produced or distributed

¹⁵ Md. Saddam Hossain Mukta and others, 'An Investigation of the Effectiveness of Deepfake Models and Tools' *Journal of Sensor and Actuator Networks*[2023] 12(4) 61 < <https://www.mdpi.com/2224-2708/12/4/61> accessed > 23 August, 2025.

¹⁶ Under section 39 of the 1999 Constitution, the right to freedom of expression is assured, but it can be constrained to ensure the protection of the rights and reputations of others, provided this is done reasonably. Section 45 of the Constitution painstakingly enumerates that some categories of rights are qualified and not absolute, hence the limitation in the contemplation of this research.

¹⁷ Section 24 of the Cybercrime (Prohibition, Prevention, Etc.) Act, 2015.

¹⁸ *Ibid.*

¹⁹ The Preamble to the Nigeria Data Protection Regulation, 2019.

²⁰ While in the developed world, the introduction of frameworks, policies and laws that will guarantee the protection of individual rights on the digital space, Nigeria is far behind the move and the ultimate expectation of this research is that the policy makers will adopt the international best practices to see to the state of things in this regard. ²¹ Nigeria is merely a host country subject to an agreement or treaty.

via these sites, victims encounter enormous challenges when pursuing redress. Nigerian courts face challenges in determining territorial jurisdiction, enforcing judgments, and cooperating with foreign technology companies. The global character of the digital world thereby presents accountability loopholes, exposing citizens to reputational damage as it weakens the rule of law.²²

Nigeria is now at a complicated juncture between innovation and responsibility. On one hand, with the press of a button, a machine can prepare words, or even entire realities. On the other hand, it can change the minds of the people. The question is that what will a society do with the principles of freedom of expression and the devastating power of AI-generated defamation? Once an AI created news item disseminates more quickly than humans can understand, who is supposed to ensure that truth prevails? Is it the law, the platform, the creator, or the algorithm per se? The digital era has pushed the limits of expression, rendering conventional legal protections inadequate and putting reputations at risk as never before. Here, with information as both power and danger, the very notion of justice is put into question: how can the centuries-old principles in the Nigerian jurisprudence compete with an immaterial, algorithmic challenge that does not respect borders be challenged? This is a social necessity, posing a challenge to whether Nigeria can uphold constitutional freedoms and protect its people in the harsh environment of Artificial intelligence in this digital era.

3. Conceptual Clarification

3.1. Jurisdiction

Jurisdiction is a significant matter. It is the linchpin of the suit, and in the event a court tries a suit without jurisdiction, it is tantamount to embarking on a fruitless enterprise, regardless of the merit of its decision.²¹ It is the authority the court has to decide matters before it or to take cognizance of issues presented formally for its decision.²² Or an official power to make legal decisions and judgments.²³ When a matter can be initiated before a court, that court is said to have original jurisdiction in the given matter. In a correlative way, a court is said to have appellate jurisdiction when it is capable only of inquiring into the matter on appeal after a court of first instance has determined it.²⁶

Meanwhile, the Territorial jurisdiction²⁴ means a geographic area, over which the court may seem to have authority, and beyond which the court cannot do anything. Jurisdiction, whether territorial or not, is statutory and is granted by the court through the law creating it.²⁵ In Nigeria, we have the independence of the territorial jurisdiction of each High Court in disputes over cause of action arising within a State,²⁶ otherwise, the action will be liable to be struck out.²⁷ Under the different

²¹ Okafor v. Ukadike (2009) 1 NWLR (Pt. 1122) 259 CA.

²² Dariye v. F.R.N. (2015) 10 NWLR (Pt. 1467) 325 SC.

²³ Ibid.

²⁶ Ibid.

²⁴ On Difference between procedural jurisdiction and substantive jurisdiction -There is a difference between a court's procedural jurisdiction and its substantive jurisdiction. Simply put, the first is circumscribed by court rules while the second is statutorily delineated. While the right to challenge a court's procedural jurisdiction may be waived by a party, neither the court nor the parties before it can confer on the court a jurisdiction it statutorily lacks. In this case, apart from the respondents' objection to the trial court's jurisdiction as raised in their pleadings, which is procedural, the further objection raised in their counsel's address at the close of the case pertained to the court's substantive jurisdiction as statutorily circumscribed.

²⁵ Dariye v. F.R.N. (2015) 10 NWLR (Pt. 1467) 325.

²⁶ Section 272 Constitution of the Federal Republic of Nigeria 1999 (as amended).

²⁷ Dairo v. UBN (2007) LPELR-913(SC).

Rules of Court of respective States, the court of jurisdiction is the one in which the defendant lives or conducts business.²⁸ However, this is only applicable to traditional defamation since the online (internet) is global. Being that the concern of this research is Artificial intelligence and free speech with defamation, and AI operates within the global space, this writer is left with the question of how to resolve the jurisdictional barriers, defamatory speech with the internet.

Not surprisingly, the Nigerian courts have embraced a liberal approach in establishing the jurisdiction of online defamation in the case of *Daily Times Nig. Plc v. Arum*.²⁹ Where it held as follows:

An online publication is meant for a global audience and readership, and an aggrieved victim of the publication can initiate an action wherever the offending publication is consummated, downloaded and/or retrieved, particularly, where the victim of the publication was targeted, profiled, exposed and/or attacked. A blogger or publisher should not evade or try to defy any opportunity offered him to substantiate, prove, and/or justify his claims in the publication he offloaded into Internet when challenged to do so, anywhere it is read.

Lucid from decision of the court above is the position that territorial jurisdiction extends beyond the location where the actual defamation takes place, but also to the area where the online publication is viewed or downloaded. This general practice is also followed in England.³⁰

²⁸ Order 3 Rule 4(1) High Court of the Federal Capital Territory, Abuja (Civil Procedure) Rules 2018; Order 4 Rule 1 High Court of Lagos State (Civil Procedure) Rules 2019.

²⁹ *Daily Times Nig. Plc v. Arum* (2023) 17 NWLR (Pt. 1914) 559 CA.

³⁰ *Berezovsky v. Michaels* [2000] UKHL 25. The courts reiterated that any jurisdiction where defamatory material is accessed or downloaded may have jurisdiction over the proceedings.

However, the method is not without challenges, and as such, Nigeria must face the problems of forum shopping and multiplicity of actions.

3.1. Free speech and Artificial intelligence

a. Free Speech: Section 39(1) of the 1999 Constitution, provides that everybody is permitted to have freedom of expression, including freedom to hold opinions and to receive and import ideas and information without interference.³¹ However, Section 45(1)(a) of the Constitution, provides that nothing in sections 37 to 41 of the Constitution will invalidate any law that is reasonably justifiable in a democratic society: in the interest of defence, public safety, public order, public morality or public (a) health; or for the purpose of protecting the right and (b) freedom of other person.³² The implication of the above section is that despite freedom to hold opinions and to receive and import ideas and information without interference, that right is not absolute. In a democratic setup, the right to freedom of expression can never be absolute. There must be boundaries in place to protect society and prevent anarchy. The right to disseminate information carries with it the responsibility to investigate the accuracy of the information.³³ Hence, the right provided by section 39(1) of the Constitution (as amended), which entitles a person to freedom of expression and to imparting ideas and information, is not a blanket right. It must not be utilised or invoked in such a way that it offends public safety, order, morality, and health, and it must not be injurious to the rights and freedoms of other persons.³⁴

³¹ Aviomoh v. C.O.P. (2022) 4 NWLR (Pt. 1819) 69.

³² President, F.R.N. v. Isa (2017) 3 NWLR (Pt. 1553) 347.

³³ African Newspaper of Nig. Plc v. Useni (2015) 3 NWLR (Pt. 1447) 46.

³⁴ Aviomoh v. C.O.P. (2022) 4 NWLR (Pt. 1819) 69.

b. Artificial intelligence: this is the technology that can enable computers and machines to imitate human learning, understanding, problem-solving, decision-making, creativity, and independence.³⁵ However, in 2024, the vast majority of AI researchers, practitioners, and the majority of AI-related headlines revolved around advances in generative AI (gen AI), a technology capable of generating original text, images, video, and other content.³⁶ The future of AI in Nigeria is promising, and it is not accidental that it follows the general patterns of a nation trying to leverage the power of technological innovation in a complex socio-legal environment. Following this, in 2024, Nigeria announced its National Artificial Intelligence Strategy (NAIS), marking a strategic transformation towards the endorsement of AI in economic planning with a vision of using AI to facilitate inclusive growth and social inclusion.³⁷

3.2. Defamation

In the case of *Esika v. Medolu* (1997),³⁸ the court explained that Defamation is any imputation which may tend to lower the plaintiff in the estimation of right-thinking members of society, generally, to cut him off from society or expose him to hatred, contempt, or ridicule.³⁹ It is a statement which, if published concerning a person, will cause him to be shunned or avoided or to

³⁵ IBM. (2024, August 9). What is artificial intelligence (AI)? IBM. Retrieved August 25, 2025, from <<https://www.ibm.com/think/topics/artificial-intelligence>> accessed on the 25 August, 2025.

³⁶ Ibid.

³⁷ National Centre for Artificial Intelligence & Robotics, 'National Artificial Intelligence Strategy. National Centre for Artificial Intelligence & Robotics'(2024).<https://ncair.nitda.gov.ng/wp-content/uploads/2024/08/National-AIStrategy_01082024-copy.pdf>accessed on the 25 August, 2025.

³⁸ (1997) 2 NWLR (Pt. 485) 54.

³⁹ Ibid.

expose him to hatred, contempt, or ridicule, or to convey an imputation on him disparaging or injurious to him in his office, profession, calling, trade, or business.⁴⁰ However, in the case of libel and slander, actionable per se, the publication of the matter containing defamatory imputation is actionable without proof of damage.⁴¹ The law will presume that damage flows from such publication.⁴² The purpose of the law of defamation is to protect the good reputation of a person from being damaged by another person. The basis of the law of libel is that every person has the right to the protection of his good name and the reasonable opinion and estimation the public holds of him.⁴³ It could be a libel or slander.

While Libel is defamation in permanent form, that is, publication by the defendant by means of printing, minting, writing, picture, or the like, sign, or matter.⁴⁴ Slander is a false and defamatory statement⁴⁵ made or conveyed by spoken words, sounds, looks, signs, and gestures or in some other non-permanent form⁴⁶ to a person other than the plaintiff without any lawful justification or excuse whereby the plaintiff has suffered special damages.⁵⁰ The tort of defamation under the general head of slander involves maliciously spoken words by the person on one side to others with the intention of the phrase lowering the reputation of the plaintiff in the eyes of the person(s) or society collectively. The defamatory expressions should be to defame the plaintiff and expose him to opprobrium, odium, contempt, or ridicule.⁴⁷ To succeed in defamation action, the plaintiff

⁴⁰ *Sketch v. Ajagbemokeferi* (1989) 1 NWLR (Pt. 100) 678.

⁴¹ *Ibid.*

⁴² *F.M.B.N. v. Adesokan* (2000) 11 NWLR (Pt. 677) 108.

⁴³ *Din v. African Newspapers Ltd* (1990) 3 NWLR (Pt.139) 392 SC.

⁴⁴ *Labati v. Badmus* (2007) 1 NWLR (Pt. 1014) 199.

⁴⁵ of a transient nature.

⁴⁶ (as against libel which is required to be in some permanent form published of and concerning the plaintiff). ⁵⁰ *Oruwari v. Osler* (2013) 5 NWLR (Pt. 1348) 535.

⁴⁷ *Abalaka v. Akinsete* (2023) 13 NWLR (Pt. 1901) 343.

must establish six co-terminus elements and these involve; that the offending words have been published, that the words protested of is addressed to the plaintiff, that the words are defamatory of the plaintiff, that the words were published to third parties, falsity of the phrase or its lack of accuracy, and that there is no justifiable legal reason as to why the words were published.⁴⁸ Courts can impose injunctions to prevent defamatory publications, but they are very hesitant. They tend to need to view the content and see the context before pronouncing the content as defamatory. Issuing such injunctions prematurely would be tantamount to presupposing defamation before the defence is heard, and that is what the court has shown respect for in the realm of free speech⁴⁹. Meanwhile, the award of damages in libel can only be awarded where it is established that one's reputation has been injured. It is not granted so that the person defamed receives compensation for their damaged reputation.⁵⁰ Nevertheless, the defendant can raise a defence in that regard to online defamation, which includes, but is not limited to, defence of justification or truth, innocent dissemination, offer of amends,⁵¹ fair comment, privilege, self-defence.⁵²

4. Nigeria's Legal and Institutional Framework Governing Free Speech and Defamation in the Context of Artificial Intelligence

As Nigeria establishes its place in the global digital landscape, the legal framework that regulates speech, reputation, and new technologies must also evolve. The existing constitutional and

⁴⁸ Alawiye v. Ogunsanya(2004) 4 NWLR (Pt. 864) 486.

⁴⁹ Registered Trustees of AMORC v. Awoniyi (1991) 13 NWLR (Pt. 178) 245.

⁵⁰ Omega Bank Plc v. Govt., Ekiti State(2018) LPELR-44141 (CA).

⁵¹ Where amends have been made by a defendant, and have been accepted for a defamation, the claimant may not turn around again to sue for defamation.

⁵² Ekanem-Ita v. Fetuga (1991) 7 NWLR (Pt. 204) 449.

statutory tools provide the necessary framework for regulating free expression and defamation. Still, these must be closely examined in terms of their compatibility with the realities of communication mediated by Artificial Intelligence (AI). They will be presented briefly in accordance with the research, respectively:

4.1. **The Constitution:** Section 39 of the 1999 Constitution (amended) recognizes the fundamental right of Nigerians to the freedom of expression- the right to provide opinions and to pass information freely without arrest.⁵³ The right, however, is limited by Section 45, which authorizes restrictions reasonably justifiable within a democratic society, to prevent harm to reputation or the maintenance of public order.⁵⁴ Such stipulations cannot be done without in situations where AI created or AI-enhanced information can affect individual reputations. They act as constitutional safeguards within the boundaries within which citizens and institutions should operate, even in the face of speech escalated by autonomous mechanisms.⁵⁵ Therefore, it is very clear that the constitution only safeguards the rights of the Nigeria citizens not that of an Artificial intelligence.

Speaking of defamation, Nigeria has a two-fold system, comprising civil and criminal laws, which remains relevant in the digital era. The civil law tort of defamation generally requires evidence of publication, reference, defamatory meaning, and a lack of defense of truth or honest opinion.

Criminally, defamatory conduct is prohibited by the Criminal Code⁵⁶ and the Penal Code applicable to the northern states, but it is seldom exercised. However, in the era of AI, such doctrines become even more complicated, hence raise the questions on: **Who is the author when**

⁵³ Section 39 of the 1999 Constitution of the Federal Republic of Nigeria.

⁵⁴ Section 45 of the 1999 Constitution of the Federal Republic of Nigeria.

⁵⁵ Particularly the Artificial intelligence under consideration in this research.

⁵⁶ Sections 373 to 381 of CC.

a AI or algorithmic recommendation promotes defamation? Or, who is responsible, the human user, the AI developer, the ISP, or everyone? To this writer such questions disclose the jurisprudential confusion which conventional laws struggle to comprehend. The current position cannot be expressly stated as there could be circumstances where the ISP,⁵⁷ the AI developer, or the person responsible for the defamatory words would be held liable depending on the jurisdictions.

Focusing particularly on whether or not the ISP⁵⁸ ought to be liable to a defamation statement or post with the aid of the artificial intelligence. In Nigeria, the law is that; an internet intermediary is not a publisher of material and is not liable to that material where it is a technical host or is a mere passive information transmission; it is neither the author of the publication nor of the content; nor is it that their ignorance is the result of negligence.⁵⁹

Thus, ISPs are not immune to defamation suits. They can be held liable for defamation by third parties in case they are aware of harmful online content but do not take the posting down as soon as they are notified to do so.⁶⁴

4.2. The Cybercrimes Act, 2015: Introduced provisions regarding online harassment, cyberstalking,⁶⁰ and harmful material. However, the original vague benchmarks in Section 24,

⁵⁷ An acronym for the Internet Service Provider.

⁵⁸ Internet service provider is “a company that provides individuals and organizations access to the internet and other related services. This is gleaned from the intellectual work of Alexander Gillis, ‘What Is an Internet Service Provider (ISP)?’ (TechTarget, February 2022) <<https://www.techtarget.com/whatis/definition/ISP-Internet-service-provider>> accessed 25 August 2025.

⁵⁹ Olisa Agbakoba Legal and others, ‘Learn The Rules Of Online Engagement: Introduction To Defamation, Privacy, And Cyberbullying’ (Mondaq, 6 May 2024) <<https://www.mondaq.com/nigeria/libel-defamation/1459274/learn-the-rules-of-online-engagement-introduction-to-defamation-privacy-and-cyberbullying>> accessed 22 February 2025;

⁶⁴ Nicholas Okoye v Ladun Liadi & 2 others Suit No. LD/17101/2022 (Unreported).

⁶⁰ Section 24 of the Cybercrime Act, 2015.

which includes the idea of grossly offensive, were problematic regarding free speech. Nevertheless, it is in consonance with the provision of section 39 of the CFRN in as much as it will defame other persons or contravenes their rights,⁶¹ that makes it a non- absolute right.⁶²

4.3. The Criminal Code and Penal Code: These Acts respectively, proscribe defamation as an offence attracting imprisonment.⁶³ This is also contained in the criminal laws of respective states.⁶⁴ The Criminal Code states that defamatory matter is that which tends to harm the reputation of any person by subjecting him to hatred, contempt, or ridicule, or that is capable of hurting any person in his profession or trade by an injury to his reputation.⁶⁵ The Act proscribes defamation as a misdemeanor that attracts imprisonment for up to one year, and when published with knowledge of its falsity, imprisonment for up to two years.⁶⁶ It is worth noting that the same provisions are contained in the Penal Code Act.⁶⁷ However, the publication does not need to be made to a third party to be actionable under the Criminal Code,⁷³ but it is enough in circumstances where the person defamed peruse same and it can be established when it is proof beyond reasonable doubt before the court.⁶⁸ Whether the defamation happens through AI, the jurisdiction is the place of download.⁶⁹

⁶¹ By extension, this captures the entire gamut of fundamental rights enshrined in chapter four of the constitution.

⁶² Section 45 of the Constitution of the Federal Republic of Nigeria.

⁶³ Section 375 Criminal Code Act 2004. It is a misdemeanor that attracts one year imprisonment and two years when published with knowledge of its falsity.

⁶⁴ Section 371 of the Penal Code Law of Kaduna State has the same provision.

⁶⁵ Section 373 Criminal Code Act 2004.

⁶⁶ Section 375 Criminal Code Act 2004.

⁶⁷ Section 391 – 395 Penal Code Act LFN 2004. ⁷³ Section 373 Criminal Code Act 2004.

⁶⁸ *Iwundu v. State* (2024) LPELR-61730(CA); *Aviomoh v. Commissioner of Police* (2022) 4 NWLR (pt. 1819) 69 SC.

⁶⁹ *Daily Times Nig. Plc v. Arum* (2023) 17 NWLR (Pt. 1914) 559 CA.

4.3. The **Nigeria Data Protection Act 2023 (NDPA)**: This has brought in strong privacy and data governance guidelines in tune with international standards. The Act principles codified lawfulness, accuracy, and limitations of purposes,⁷⁰ This thereby offers a legal basis for evaluating AI-generated information that involves personal data. The NITDA Code of Practice for Internet Intermediaries (2022) requires that internet intermediaries have a local point of contact, establish a clear moderation policy, and take appropriate action when processing content, including due process hearings.⁷¹ This creates a procedural pathway for Nigeria in the AI-defamation situation and users can seek takedown⁷² or corrections, and platforms have a legal obligation to respond,⁷³ in a manner that balances platform policy, legal requirements, and constitutional rights to free speech. Additionally, the National Artificial Intelligence Strategy (2023/2024) of Nigeria has shown a proactive plan to balance the development of AI with ethical, legal, and safety aspects,⁷⁴ which means that the future is promising.

4. Examination of the Emerging Socio-Legal Realities in Nigeria's Digital Age

The digital transformation of Nigeria is an impressive socio-legal development of the previous decade. As of early 2025, broadband penetration reached 45.61%, with approximately 98.87

⁷⁰ Section 24 of the NDPA Act, 2023.

⁷¹ Section 2 and 4 respectively of the Interactive Computer Service Platforms/Internet Intermediaries, 2022.

⁷² Section 34(1)(d) of the Nigeria Data Protection Act 2023.

⁷³ On the contrary, the functions of National Broadcasting Commission (NBC) and the Nigerian Communications Commission (NCC) who are regulatory agencies must not be overlooked.

⁷⁴ Damilola Salawu, Hopewell Nwachukwu, Olufolajimi Otitoola, and Vwakpo Ekpagha, 'Overview of the Draft National Artificial Intelligence Strategy' OALP Technology Innovation and FinTech Newsletter' (September 2024) <<https://www.olaniwunajayi.net/blog/wp-content/uploads/2024/09/Overview-of-the-Draft-National-ArtificialIntelligence-Strategy-September-2024-OALP-Tech-Newsletter.pdf>> accessed 26 August 2025.

million broadband subscriptions, compared to 96.32 million in December 2024.⁷⁵ This is an international trend of faster internet adoption, which is an extension of the national intent expressed by the National Broadband Plan (2020-2025) in Nigeria.⁷⁶ Altogether, these statistics provide a clear picture of how ingrained digital communication is in the lives of Nigerians and, consequently, how essential it is to place the legal issues surrounding AI-mediated speech within this massive growth in connectivity. However, there is an unequal digital inclusion. By early 2024, 16.2% of Nigerian were active on social media, accounting for approximately 36.75 million out of about 226.5 million.⁷⁷ This means that more than half of the population was not online.

Now, AI and socio-legal realities are becoming increasingly complex in Nigeria. In October 2020, during the EndSARS protests, Twitter and other digital platforms mobilized civic action across Nigeria.⁷⁸ But state reactions soon made the story more complex. In June 2021, the government stopped Twitter, a decision that has been extensively criticized as an infringement of freedom of speech and economic liberty. It has been estimated that the suspension costs the economy more than \$ 6 million a day.⁷⁹ Perhaps, social media and AI-enhanced technologies in that instance, became a powerful means of mass opposition and rapid information distribution.

⁷⁵ *Commercium Africa*, 'Nigeria's Broadband Penetration Hits 45.61%' (18 March 2025) <<https://commercium.africa/news/2025/03/nigerias-broadband-penetration-hits-45-61/>> accessed 26 August 2025.

⁷⁶ *Ibid.*

⁷⁷ *DataReportal*, 'Digital 2024: Nigeria' *DataReportal*(2024) <<https://datareportal.com/reports/digital-2024-nigeria>> accessed 26 August 2025.

⁷⁸ Oluwakemi E. Akerele-Popoola, Adesina Lukuman Azeez and Abiodun Adeniyi, 'Twitter, civil activisms and EndSARS protest in Nigeria as a developing democracy' *Cogent Social Sciences* (2022) 13 <<https://www.tandfonline.com/doi/full/10.1080/23311886.2022.2095744>> accessed 27 August 2025.

⁷⁹ *Statista*, 'Economic loss of Twitter suspension in Nigeria' (2024) <<https://www.statista.com/statistics/1242378/economic-loss-of-twitter-suspension-in-nigeria/>> accessed 27 August 2025.

Additionally, the circulation of defamatory material, including rumors, misinformation, and planned online assaults, has increased during the AI era complicating matter and hindering accountability and exacerbating social harm. The legislators have reacted differently. Actually, the extensive provisions of the Cybercrimes Act supporting legitimate speech but not grossly offensive ones⁸⁰. Meanwhile, data governance has grown in significance, as the Nigeria Data Protection Act 2023 (NDPA) presents specific rights and obligations.⁸¹ This could serve as an alternative avenue for repairing defamation, particularly when AI systems circulate defamatory messages. Also, one of the urgent socio-legal issues is the risk of state overreach.⁸² The controversial efforts by the government of Nigeria to control digital speech, both explicitly through the unclear “Social Media Bill” (Protection against Internet Falsehoods and Manipulations Bill of 2019)⁸³ and informally, through takedowns of critical speech, have highlighted the dilemma between misinformation control and upholding democratic rights.⁸⁴

Although the internet infrastructure in Nigeria continues to grow, knowledge on digital rights and AI remains unequal, particularly when viewed through the prism of diversity in Nigeria.⁸⁵ both

⁸⁰ Section 24 of the Cybercrime Act, 2015.

⁸¹ Such as correction, erasure and takedown.

⁸² State overreach means a situation where the government (the state) goes beyond the limits of its legal powers or authority and interferes in areas it should not.

⁸³ TEMPLARS, 'Templars Legislative Watch Fourth Edition – “Social Media Bill”': SB 132' (22 November 2019) <<https://www.templars-law.com/knowledge-centre/templars-legislative-watch-fourth-edition-social-media-bill-sb132/>> accessed 28 August 2025.

⁸⁴ Hence, the question is whether democracy has come to curb the exercise of freedom of speech right in a constructive and sane manner even when it not defaming anyone whether the agency of the government or individuals of the government is afraid of accountability and transparency?

⁸⁵ Vitalis, 'Accessing Digital Divide and Implications in Nigeria: The Media Dimension' Budapest International Research and Critics Institute-Journal (BIRCI-Journal)(2024) 7(4)

<<https://www.bircujournal.com/index.php/birci/article/view/8017/pdf>> accessed 28 August 2025. ⁹² Particularly xenophobic or politically motivated defamation.

geographically, ethnically, and linguistically, the possibility that misinformation can become a source of conflict is not intended to be speculative.⁹² To make these problems more challenging, the digital ecosystem in Nigeria is becoming increasingly integrated with global platforms. Nigeria's jurisdiction is not the location of many AI systems and social media services. A post made overseas can have a real reputational impact back home, but the legal means of redress are dubious or nonexistent.⁸⁶ This speaks of the need for jurisdictional policies and international cooperation in Nigeria.

5. Jurisdictional Complexities and Legal Boundaries in the Digital Sphere

Regrettably, in this digital era, Nigeria's legal framework is faced with the challenge of balancing the traditional jurisdictional principles with the emerging realities of artificial intelligence (AI) and cross-border communication. Against the pre-digital age, when the scope of defamation issues was geographically confined to the location in which the content was published, AI-generated contents and speech goes global immediately, so it is harder to tell where the defamatory act is committed, what law is considered, and what court has the jurisdiction to deal with such issues but thanks to the decision in the Daily times and Arums Case where jurisdictional issue was resolved as discussed above.⁸⁷

Still, the legal framework in Nigeria is riddled with glaring lacunae because of this borderless reality.⁸⁸ In the common law tradition, Nigerian courts have generally exercised jurisdiction in cases involving defamation. It is virtually difficult to enforce against foreign platforms,⁸⁹ since

⁸⁶ This is the beginning of the problems and it is still problem up to the moment of writing this Essay.

⁸⁷ Daily Times Nig. Plc v. Arum (2023) 17 NWLR (Pt. 1914) 559 CA.

⁸⁸ For instance, defamatory content authored in Nigeria but hosted on a foreign server and accessed globally raises multifaceted legal questions.

⁸⁹ Which could be Meta, Facebook or X (formerly known as Twitter).

there are no known enforceable cross-border agreements. In a comparative manner, the European Union has made effort to fill the gaps by utilizing the General Data Protection Regulation (GDPR), which extends extraterritorial jurisdiction to ensure the rights of EU citizens, a measure that Nigeria has not implemented.⁹⁰

Although, the Cybercrimes Act, which states that jurisdiction shall attach where either the offender or the victim is domiciled in Nigeria, even when the elements of the offense are committed elsewhere is commendable⁹¹ but how realistic? Additionally, the Nigeria Data Protection Act imposes obligations on both local and foreign entities that process Nigeria citizens data⁹² but to what end.⁹³ What is equally worrying is that the multiple publication rule remains in effect, as new causes of action can be established for every visit to defamatory content on the internet, which puts defendants at risk of unlimited liability.⁹⁴ It is submitted that the single publication rule⁹⁵ should be adopted in Nigeria court. Unless there is clear legislation, there will always be uncertainty, and both the claimants and the digital actors⁹⁶ will be at the mercy of unequal adjudication results.⁹⁷ Therefore, these jurisdictional complexities and unidentified legal boundary arising from artificial

⁹⁰ The Article 3 GDPR's. Meanwhile, the Nigeria Data Protection Act (NDPA) 2023 does recognize extraterritorial application in "theory" but jurisdictional constraints limit its practical implementation.

⁹¹ Section 50(1)(c) and (d)

⁹² Section 2(2) (a) (b) (C) respectively.

⁹³ These statutes fall short in addressing AI-specific realities such as deepfakes, automated slander bots, and algorithm-driven amplification of defamatory content, which are increasingly shaping reputational harm in the digital age.

⁹⁴ *Offoboche v. Ogoja L.G.* (2001) 16 NWLR (Pt. 739) 458 SC.

⁹⁵ A rule in the law of libel that treats an edition of a print source (as a magazine) as one publication giving rise to one cause of action for libel regardless of how many copies were printed and where they were distributed (Merriam Webster).

⁹⁶ Whether AI, developer, or individual who uses AI to make such a defamatory speech.

⁹⁷ Nigeria must align its statutes with international best practices, strengthen cooperation with global technology platforms, and develop specialized provisions addressing AI-driven defamation. Only then can it strike a fair balance between protecting free expression and safeguarding reputational integrity in an increasingly borderless digital world.

intelligence and the digital sphere impose the need for harmonized legal policy framework in Nigeria.

6. Towards a Responsive Legal-Policy Framework for Artificial Intelligence and Defamation in Nigeria

The emergence of artificial intelligence has altered the global communication environment, redesigning how information is created, shared, and consumed. Although AI has the potential for innovation, its ability to create or reproduce defamatory information poses new threats to the judicial system. Conventional defamation statutes were designed to work with human actors and, as a result, tend to be poorly adapted to the challenges of AI/machine-generated speech and the cross-border distribution of defamatory content. It is based on this that the necessity of a responsive legal-policy framework that is customized to the realities of Nigeria cannot be underestimated, and they are discussed below:

To begin with, there is a need to reconcile the constitutional provision of freedom of expression under Section 39 of the 1999 Constitution with the equally important right to reputation.⁹⁸ AI generated defamation has blurred the line between free speech and defamation.⁹⁹ Without legal safeguards, individuals and institutions in Nigeria remain vulnerable to consistent reputational harm and social distrust resulting from AI-enabled falsehoods.

⁹⁸ A conterminous of right to freedom of expression. The constitution gives right and protects rights at the same time to prevent infringement.

⁹⁹ Looking at the global rise of deepfake technology, how can Nigeria address that? With archaic legislative frameworks and policies?

Secondly is the issue of liability, it is one of the most pressing legal gaps. The existing Nigerian legislation is silent on the question of holding developers, platforms (ISP), or end-users liable for defamatory AI-generated outputs.¹⁰⁰ This omission is contrary to the European Union's Digital Services Act (2022) framework,¹⁰¹ which imposes systemic risk mitigation obligations on online platforms.¹⁰² Therefore, the absence of such clarity in Nigeria creates a situation where victims of AI defamation face uncertainty in seeking redress, while platforms hosting such harmful content escape accountability and liability.

Thirdly, Nigeria's regulatory framework needs to be strengthened to effectively address the risks of AI. The National Information Technology Development Agency (NITDA)¹⁰³ and the Nigerian Broadcasting Commission (NBC)¹⁰⁴ have mandates over digital governance, but their frameworks were not designed with AI in mind. An interventive legal-policy framework would grant these agencies better statutory power to regulate AI-driven speeches and content, create compliance requirements under digital platforms, and unite with actors on a global scale in enforcement.

Also, Courts and institutional capabilities should be strengthened to address the needs of AI related cases. In Nigeria, Legal practitioners and judges lack the technical expertise to handle cases related to AI-generated defamation effectively. While the United Kingdom has prioritized judicial training

¹⁰⁰ Section 157 Nigerian Communications Act 2003 is to the effect that ISP although without absolute immunity are protected by statute and defence of innocent dissemination. However, The National Communication Commission's Guidelines pursuant to Section 70(2) of Nigerian Communications Act 2023 make the ISP non – liable to third party except with the notice on the harmful content and they failed to take it down upon such notice.

¹⁰¹ Particularly under article 33 on the very large online platforms (VLOPS), the regulations is detailed and wholesome.

¹⁰² Article 26, 27, 34, 35, 36, and 37 of the Act.

¹⁰³ Section 6 of the NITDA Act.

¹⁰⁴ Section 2, 9, 12 and 15 of the National Broadcasting Commission (NBC) Act, originally Decree 38 of 1992 and amended by Act 55 of 1999.

in cyber and AI law among other Nations.¹⁰⁵ It is important that Nigeria should adopt a similar approach by embedding continuous professional education through the National Judicial Institute and legal training programmes.¹⁰⁶

In my opinion, Nigeria should develop its response within a larger international framework. As AI systems and Online platforms tend to be cross-border, domestic reforms should become consistent with global best practices, this is manifest in the OECD AI Principles (2019)¹⁰⁷ and the African Union's Digital Transformation Strategy (2020–2030).¹¹⁵ Also, there should be public education initiatives to sensitize citizens about their digital rights and the potential harms of Artificial Intelligence-driven defamation. This writer submits that an adaptive legal-policy framework for AI and defamation in Nigeria should be multi-layered, striking a balance between free speech and reputational interests, liability, empowering regulatory institutions, enhancing the judicial system, and promoting global collaboration. It is only through such an all-encompassing approach that Nigeria can protect individual reputation, integrity, democracy and bring

¹⁰⁵ Courts and Tribunals Judiciary. (2025, April 15). Artificial Intelligence (AI) – Judicial Guidance. Retrieved from <<https://www.judiciary.uk/guidance-and-resources/artificial-intelligence-ai-judicial-guidance-2/>> accessed on 29 August 2025.

¹⁰⁶ The Commonwealth Secretariat. The Emerging Artificial Intelligence Legal-Judicial System's Interface: Assessing the State of Nigeria's Judicial System's Readiness for a Revolution. In Commonwealth Cyber Journal, Volume 2. Retrieved from <<https://thecommonwealth.org/publications/commonwealth-cyber-journal-volume-2/emergingartificial-intelligence-legal-judicial-systems-interface-assessing-state-nigerias-judicial>>accessed on 29 August 2025.

¹⁰⁷ OECD. (2019). Recommendation of the Council on Artificial Intelligence. OECD Legal Instruments. Retrieved from <<https://legalinstruments.oecd.org/en/instruments/OECD-LEGAL-0449>>accessed on 29 August 2025. ¹¹⁵ African Union Commission. (2020). The Digital Transformation Strategy for Africa (2020–2030). African Union. Retrieved from <<https://www.iicba.unesco.org/en/africa-education-knowledge-platform/digital-transformationstrategy-africa-2020-2030>>accessed on 29 August 2025.

accountability in this digital era.

7. Conclusion

It is evident from the analysis in this research that the connection of artificial intelligence, free speech, and defamation is one of the most pressing socio-legal challenges of the 21st century.¹⁰⁸

The digital revolution has increased the opportunities for civic engagement, economic growth, and democratic participation.¹¹⁷ But, it has not failed to expose the inadequacies of the country's legal and institutional frameworks in addressing the disruptive impact of AI-generated information,

particularly where defamatory speech circulates unchecked. While Nigeria's statutes and institutional mandates¹⁰⁹ establish some levels of digital regulation; they were not crafted with the sophistication of contemporary Artificial Intelligence risks in mind. This is manifest in Nigeria's reliance on conventional regulatory frameworks, which reflect a reactive rather than proactive approach to AI governance. This means that Nigeria must urgently recalibrate its legal and policy framework to accommodate the realities of the digital age and establish collaboration with international stakeholders, while aligning with global norms. Finally, this will ensure that Nigeria is not left behind in the governance of AI ethics, accountability, and liability. Only then can Nigeria

¹⁰⁸ This might be an understatement. It might be the most pressing socio-legal challenge in Nigeria. Although Nigeria is bedeviled by quite numbers of challenges, the cankerworms that is eating the giant of Africa up diurnally. ¹¹⁷ Mohammed C Abubakar, 'Digital Platforms And Democratic Participation In Nigeria: A Review Of Theoretical And Empirical Literature' ADSU International Journal of Applied Economics, Finance and Management(2025) 10(3) <<https://ajafm.adsu.edu.ng/digital-platforms-and-democratic-participation-in-nigeria-a-review-of-theoretical-andempirical-literature/>> accessed 29 August 2025.

¹⁰⁹ Among the popular mandates pertaining to Nigeria are the NITDA and NBC mandates.

harness AI's transformative potential while minimizing its risks to human reputation, dignity, rule of law and democratic values.