



DEFAMATION AND SKIT MAKING IN NIGERIA: NAVIGATING LEGAL BOUNDARIES AND CREATIVE EXPRESSION

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Abstract

Defamation and skit-making in Nigeria have become significant area of concern in the realm of creative expression and legal boundaries. This article explores the intersection of freedom of expression and the legal constraints faced by skit makers in Nigeria. It delves into the complexities of defamation laws, the implications for creative expression and the evolving landscape of social media content creation. Furthermore, it examines the challenges faced by content creators in navigating the legal framework while maintaining the integrity of their artistic expression. Through an analysis of relevant case studies and legal precedents, this article aims to provide insights into the delicate balance between creative freedom and legal responsibility in the context of skit-making in Nigeria. In doing this the article adopts a doctrinal method that involves analysis of primary and secondary data. It found that many people ran vows of the legal implication of skit-making which resulted in defamatory statements.

Keywords: Skit Making, Defamation, Social Media, and Legal Framework

1.0 INTRODUCTION

The art of skit-making has carved its place as a prominent form of creative expression in Nigeria.¹ With its comedic narratives and relatable characters, skits have captured the hearts of audiences across the nation, offering a lens through which to explore the complexities of daily life in a lighthearted yet impactful

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¹ [Usoro G. E. \(2022\) "Skit-making booms in Nigeria amid rising hardship" Skit-making booms in Nigeria amid rising hardship \(businessday.ng\). Assessed on 27 December, 2023](#)

manner.² However, as the popularity of skit-making continues to soar, the need to navigate the legal landscape, particularly in relation to defamation laws, has become increasingly pertinent.

Nigeria's legal framework for defamation, encompassing both libel and slander, provides a backdrop against which the creative pursuits of skit makers unfold. The challenge lies in striking a delicate balance between artistic freedom and legal accountability, as skit creators engage in storytelling that reflects the pulse of Nigerian society. The intersection of defamation laws and skit-making encapsulates a dynamic dialogue between the realms of creativity and legal boundaries, presenting a nuanced tapestry of expression and responsibility.³

In this article, we embark on a journey to explore the multifaceted terrain of defamation and skit-making in Nigeria, delving into the legal considerations that underpin the creative landscape. The article discusses the intricacies of defamation laws, examine the burgeoning realm of skit-making as a form of artistic expression, and contemplate the ways in which creators navigate the fine line between creativity and responsibility.

2.0 AN OVERVIEW OF THE RISE OF SKIT-MAKING IN NIGERIA

The rise of skit-making in Nigeria has been a remarkable phenomenon in the realm of entertainment and digital media.⁴ Skit-making, a form of short and comedic video content has gained widespread popularity and influence, particularly on social media platforms such as Instagram, YouTube, TikTok and so many.⁵ The emergence of skit-making as a prominent form of creative expression in Nigeria is attributed to the democratization of content creation facilitated by the proliferation of affordable smartphones, access to the internet, and the growing influence of social media influencers.⁶

Nigerian skit makers have leveraged the power of digital platforms to showcase their comedic talent, address social issues, and engage with audiences on a massive scale. The rise of skit-making has also provided a platform for diverse voices, fostering a creative space where individuals from various backgrounds can express themselves and connect with a broad audience. Additionally, the entertainment industry in Nigeria has witnessed the integration of skit makers into mainstream media, with collaborations, brand endorsements, and opportunities for career growth becoming increasingly prevalent.

² Eastman, S. T., & Ferguson, D. A. (2013). *Media programming: Strategies and practices* (9th ed.). Cengage Learning.

³ Berlin, Isaiah (1958) "Two Concepts of Liberty". In: Isaiah Berlin 1969", *Four Essays on Liberty*. Oxford: Oxford University Press.

⁴ Brown, K. (2017) "Social media: When communication becomes entertainment" <http://thoughtreach.com/social-media-commu-nication-becomes-entertainment/> assessed on 27th December, 2023

⁵ Kate Stanford, *How Political Ads and Video Content Influence Voter Opinion*, THINK WITH GOOGLE (Mar. 2016), <https://www.thinkwithgoogle.com/marketing-resources/content-marketing/political-ads-video-content-influence-voter-opinion/> [https://perma.cc/88ET-R7J3].

⁶ Cunningham, S., & Craig, D. "Online entertainment: A new wave of media globalization?" (2016). *International Journal of Communication*, 10, 5409–5425. <http://ijoc.org/index.php/ijoc/article/view/5725/1832>

Furthermore, the rise of skit-making in Nigeria has redefined the landscape of comedy and entertainment, offering a fresh and relatable form of content that resonates with both local and international audiences. As such, skit-making has become a significant cultural export, portraying the rich tapestry of Nigerian humor and storytelling to the global stage. This burgeoning industry has flourished alongside the country's vibrant entertainment sector, contributing to the diversification of creative expression and the empowerment of emerging talents.

In essence, the rise of skit-making in Nigeria represents a dynamic shift in the entertainment landscape, empowering individuals to harness their creativity, connect with audiences, and contribute to the vibrant cultural narrative of the nation.

3.0 SKIT-MAKING IN RELATION TO DEFAMATION LAWS

Examining the legal implications of skit-making, particularly in relation to defamation laws, is of paramount importance in understanding the challenges and responsibilities faced by content creators in Nigeria. Skit-making, as a form of creative expression, often involves the portrayal of characters, societal issues, and commentary on public figures, which may intersect with the legal boundaries set by defamation laws. There are examples of various skit-makers who have become victims of being prosecuted for defamation as a result of their skits. One of them was Mubarak Muhammad (Uniquepikin) and Nazifi Muhammad, two creators of TikTok skits, who have been placed under arrest on remand for allegedly defaming the governor of Kano, Abdullahi Ganduje, in one of their comedic skits.⁷ Another example was Adamu's remark on a Twitter picture of Buhari, alleging that Ayisa had embezzled money meant for the poor to her own satisfaction. It was unclear if the intention of Adamu was to mock her or to charge her with corruption. Upon the complaint submitted by Aisha Buhari, Aminu Adamu was arrested and detained at his University in Jigawa state on November 18 and placed under detention until January.⁸

In Nigeria, defamation laws are designed to protect individuals and organizations from false and damaging statements that may harm their reputation.⁹ Skit makers, in their pursuit of humor and social commentary, must navigate these laws with diligence to avoid potential legal repercussions. The importance of examining the legal implications of skit-making within the context of defamation laws lies in the need to strike a balance between creative freedom and legal responsibility.

By exploring the legal framework surrounding defamation in Nigeria, skit makers can gain awareness of the boundaries within which their artistic expression must operate. This includes understanding the elements of defamation, such as publication of false statements, harm to reputation, and the defences available under Nigerian law. Moreover, examining case studies and legal precedents related to

⁷ Audu U, (2023) Kano Court sends two TikTok skit makers Uniquepikin and Nazifi to prison for criticizing Ganduje" assessed through the internet [Kano court sends 2 TikTok skit makers Uniquepikin and Nazifi to prison for criticizing Ganduje — Daily Nigerian](#) on 26 December, 2023.

⁸ [Nigeria frees student charged with defaming first lady in tweet | Nigeria | The Guardian](#) accessed on 27 December, 2023

⁹ Benue Printing and Publishing Corp. v Gwagwalada [1989] 4 NWLR (Pt. 116) 439

defamation in the context of creative content creation provides valuable insights into the potential legal risks and best practices for skit makers.

Furthermore, a nuanced understanding of defamation laws equips skit makers with the knowledge to incorporate responsible storytelling and character portrayal while engaging in social commentary. It empowers content creators to uphold ethical standards, avoid defamation pitfalls, and contribute to a positive and legally compliant content ecosystem. Additionally, awareness of legal implications fosters constructive dialogue between skit makers, legal professionals, and regulatory authorities, leading to the development of guidelines that balance free expression with legal safeguards.

4.0 DEFAMATION LAWS IN NIGERIA, ENCOMPASSING LIBEL AND SLANDER

Defamation in Nigeria is governed by both the common law principles and statutory provisions which can be tort or crime and they are aimed at protecting individuals and entities from false and damaging statements that may harm their reputation. The legal framework for defamation in Nigeria is grounded in a combination of case law, statutes such as the Penal Code Act,¹⁰ the Criminal Code Act¹¹ and the Cybercrime Act,¹² and constitutional provisions, which collectively establish the parameters within which defamation claims are adjudicated.

The legal framework for defamation in Nigeria is influenced by both common law principles inherited from British colonial jurisprudence and statutory enactments, such as the Penal Code applicable in the Northern states and the Criminal Code applicable in the Southern States. Additionally, the 1999 Constitution of Nigeria guarantees the right to freedom of expression,¹³ subject to certain limitations, thereby shaping the legal landscape within which defamation claims are adjudicated. Understanding the nuances of defamation laws, including libel and slander, is essential for content creators, including skit makers, to navigate the legal landscape and engage in responsible creative expression.

At the core of Nigeria's defamation laws is the distinction between libel and slander, where libel refers to written or published defamatory statements, while slander pertains to spoken defamatory statements. The legal framework recognizes that defamatory statements, whether through written, spoken, or visual means, may have detrimental effects on an individual's or organization's reputation, leading to civil and sometimes criminal liability.

Libel, as defined in the context of Nigerian defamation laws, pertains to written or published defamatory statements that are capable of being seen or read by others.¹⁴

¹⁰ Penal Code Act, Cap.53 Laws of the Federation of Nigeria, 2004. s. 319-395

¹¹ Criminal Code Act, Cap. C38, Laws of the Federation of Nigeria, 2004. s. 375

¹² Cybercrimes (Prohibition, Prevention, etc.) Act, 2015. s. 24

¹³ Section 39 of the 1999 Constitution of the Federal Republic of Nigeria as amended provide thus:-“Every person shall be entitled to freedom of expression, including freedom to hold opinions and to receive and impart ideas and information without interference.”

¹⁴ See the case of *Ogbebor v. Onojakpor & Ors* (2019) LPELR-47176(CA) (Pp. 12 paras. A) where the Libel is defined as follows:-“Libel” according to Robert D. Sack & Dandra S. Baron, in their book, *Libel, Slander, and Related Problems*, 2nd edition, (1994) page 67 “is written or visual

This includes statements conveyed through various forms of written communication, such as social media posts, articles, blog posts, and other published content. Libelous statements are subject to the legal framework governing defamation, and individuals or entities may seek redress through civil litigation for reputational harm caused by such written defamatory statements. In a libel lawsuit, the plaintiff just needs to demonstrate that the defamatory publication was made without permission; the plaintiff does not need to establish that he (the plaintiff) actually suffered any harm to his reputation or actual damages before he will be entitled to damages.¹⁵ See also the case of *Nthenda v Alade*,¹⁶ where it was held that, once the publication is established to be libelous, the law will presume damage. However, apart from the general damages occasioned as a result of libelous publication, the plaintiff can recover for more sum as damages if he can establish further that he had suffered certain peculiar damage as a consequence of the libelous publication.¹⁷

Slander, on the other hand, refers to spoken defamatory statements that are communicated orally or through other transient forms of expression.¹⁸ In the context of Nigerian defamation laws, slander encompasses verbal statements, gestures, and non-permanent expressions that are capable of causing reputational harm. While slander involves transient communication, it is nonetheless subject to the legal framework governing defamation, and individuals or entities may pursue legal remedies for harm caused by slanderous statements.

In Nigeria, defamation claims are also adjudicated through civil litigation, where the aggrieved party may seek damages for reputational harm caused by the defamatory statements. The burden of proof lies with the plaintiff to establish that the statements in question are indeed defamatory, and false, and have resulted in harm to their reputation.¹⁹ Moreover, certain defenses, such as truth, fair comment, and privilege, are available to defendants in defamation cases, providing a legal mechanism to balance freedom of expression with the protection of reputation. It is important to note that the legal framework for defamation in Nigeria is subject to ongoing developments, judicial interpretations, and societal changes that influence the application of defamation laws in the context of evolving forms of communication and creative expression, including skit-making and digital content creation.

defamation". The learned authors of Black's Law Dictionary, Deluxe Ninth Edition, page 999, define "Libel" is "a defamatory statement expressed in a fixed medium, especially writing but also a picture, sign or electronic broadcast." Per ADUMEIN ,J.C.A in *ogbebor v. onojakpor & ors* (2019) LPELR-47176(CA) (Pp. 12 paras. A)

¹⁵ *Cross Rivers State News Paper Corporation v Oni* (1995) 1 NWLR (PT 3710), 270.

¹⁶ [1974]4 ECSR 470

¹⁷ R.L. McEwen (n18)

¹⁸ See also the case of *Ayuba v. Sule* (2016) LPELR-40263(CA) (Pp. 6-7 paras. E) "Slander is a form of defamation published in a transitory form; by words spoken or other audible or visible forms, significant sounds, look, signs or gestures. Slander is a defamatory statement expressed through speech or made in a transient form. Slanderous statements generally are those defamatory words that are not recorded with some degree of permanence. See Chief Nya Edim Ekong v. Chief Asuquo E. Otop & Ors (2014) LPELR-23022(SC), *Chamberlain V. Boyd* (1883)-*Locus classicus*." Per ABBA AJI ,J.C.A in *Ayuba v. Sule* (2016) LPELR-40263(CA) (Pp. 6-7 paras. E)

¹⁹ Kodilinye G. and Aluko, (2001) *The Nigerian Law of Torts* (Spectrum Book Ltd).

It is worthy of note that, the legal framework for defamation in Nigeria reflects a blend of common law principles, statutory provisions, and constitutional considerations designed to safeguard reputational interests while respecting the right to freedom of expression. Understanding the nuances of this legal framework is essential for skit makers and content creators to navigate the complexities of defamation laws and engage in responsible and legally compliant creative expression.

The distinctions between libel and slander within the context of defamation laws in Nigeria, skit makers and content creators can effectively navigate the legal boundaries while engaging in creative expression. This understanding empowers creators to uphold ethical standards, avoid potential defamation pitfalls, and contribute to a content ecosystem that balances free expression with legal responsibilities.

5.0 STATEMENT TO BE CONSIDERED DEFAMATORY UNDER NIGERIAN LAW

A statement, publication or skit to be considered defamatory under Nigerian law must be communicated to a third party, either through written, spoken, or visual means. The act of sharing the defamatory statement with others is a crucial element in establishing defamation. The statement must not be a falsehood. The statement must be false or misleading. Truthful statements, even if they are damaging to reputation, do not meet the threshold for defamation. Proving the falsehood of the statement is essential in defamation claims.

Another vital element is when the words, statement or publication is harmful to the Reputation of the other. The statement must have the potential to harm the reputation of the individual or entity to whom it refers. This harm may include damage to one's professional standing, social standing, or general reputation within the community. Some words are classified as defamatory if such statement lower a person in the estimation of the right-thinking persons in the society; if such words expose him to hatred or ridicule, if it cause other persons to avoid or distance him, or injure his financial credibility.²⁰

The defamatory statement must be reasonably identifiable as referring to the aggrieved party.²¹ This element ensures that the defamed individual or entity can be clearly associated with the statement in question. This is an element that required the words complained of must be established to refer to the complainant. It is not necessary that the name of the plaintiff is mentioned or not, anything that shows that the statement is referred to the plaintiff is enough.²²

6.0 SATIRE, DEFAMATION, AND ETHICAL STORYTELLING PRACTICES

The thin line between satire and defamation underscores the need for caution and ethical storytelling practices, particularly in the realm of skit making and creative content creation. Satire, as a form of artistic expression, often involves the use of

²⁰ Ese Malemi, *Law of Torts in Nigeria* (Lagos: Princeton Publishing Company, 2013) p. 533

²¹ *Lardener v The Sketch Publishing Co. Ltd.* [1979] 3 L.R.N. 276 at p. 279

²² *Dalumo v The Sketch Publishing Co. Ltd* [1972] 1 All N.L.R. 130

humor, irony, and exaggeration to critique or comment on societal issues, public figures, and prevailing norms. However, the satirical nature of content creation can sometimes intersect with the legal boundaries of defamation, necessitating a delicate balance between artistic freedom and ethical responsibility.

Satire, when executed effectively, serves as a powerful tool for social commentary, political critique, and cultural reflection.²³ It enables content creators to engage with complex issues, challenge conventional wisdom, and stimulate critical thinking among audiences. However, the subjective nature of humor and satire means that the line between comedic exaggeration and defamatory representation can become blurred, leading to potential legal and reputational risks²⁴. The need for caution and ethical storytelling practices in the context of satire and skit-making arises from the Context and Intention, Fair Representation, Artistic Responsibility, Legal Boundaries, and Audience Perception.

While satire plays a vital role in fostering critical engagement and artistic expression, the thin line between satire and defamation underscores the importance of ethical storytelling practices and responsible humor. Content creators must exercise prudence, empathy, and cultural awareness in their comedic portrayals, ensuring that satire remains a force for constructive dialogue and social reflection while respecting the boundaries of legal and ethical norms. By emphasizing the need for caution and ethical storytelling practices, content creators can navigate the complexities of satire, uphold artistic integrity, and contribute to a content ecosystem that balances creative freedom with ethical responsibility.

7.0 INTERPLAY BETWEEN DEFAMATION LAWS AND SKIT-MAKING

The interplay between defamation laws and skit-making in Nigeria is characterized by complexities and an evolving nature that necessitates a nuanced understanding of legal, ethical, and creative considerations. This interplay is shaped by the convergence of traditional defamation laws, the proliferation of digital content creation, and the dynamic landscape of social and cultural expression. In a situation where a skit contains defamatory content, and the said skit later becomes a defamatory content, such as false and damaging portrayals of individuals or organizations, this can lead to two legal consequences on the skit-maker for copyright of content without permission from the copyright owner as well as defamation on the part of the person who is defamed by the content.²⁵ The originator of the content is akin to the service provider and by the provision of the Cyber Crime Act, the service provider is not liable for the act published through her service, the Act expressly exonerates the service provider.²⁶ Skit makers should be aware of the potential for defamation claims and ensure that their content does not contain false and defamatory statements about others. Recently, a content creator and blogger who is identified as Stanly Okoruwa was arrested for defaming one

²³ Abrams, Meyer Howard. 1999. *A Glossary of Literary Terms* (7th Edition). Boston: Heinle and Heinle

²⁴ Alabi, O. S. "An Exploration into the Satiric Significance of Abuse in Selected Nigerian Drama" (2021) *Alicante Journal of English Studies* 35: 143-162. <https://doi.org/10.14198/raei.2021.35.07>

²⁵ B A Lehman, 'Intellectual Property and the National Information Infrastructure', (1995) *The Report of the Working Group on Intellectual Property Rights* 131.

²⁶ Section 29 (1) *Cyber Crimes Act, 2022*.

Emeka Okonkwo, a business man, who is popularly known as E-Money. He went to the social media out to boost his page traffic level and published it that E-money was responsible for death of Nollywood Actor, John Odonwodo, aka Junior Pope.
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The complexities and evolving nature of this interplay can be summarized as follows:

1. **Legal Framework:** - Skit-making in Nigeria operates within the framework of defamation laws, which encompass libel and slander, requiring content creators to navigate the legal boundaries of free expression while respecting reputational interests.
2. **Artistic Expression:**- The creative nature of skit-making often involves satire and humor, presenting a delicate balance between artistic freedom and the risk of defamatory content, requiring content creators to exercise ethical judgment and cultural sensitivity.
3. **Digital Dissemination:** - The widespread dissemination of skits through digital platforms and social media introduces challenges related to content moderation, intellectual property, and legal compliance, necessitating an awareness of digital content dissemination laws and policies.
4. **Cultural Sensitivity:** - Skit-making in Nigeria involves diverse cultural contexts, requiring content creators to be mindful of cultural sensitivities, stereotypes, and representations to avoid potential defamation and harm to reputations.
5. **Ethical Considerations:** - The interplay between defamation laws and skit-making highlights the need for ethical storytelling practices, fair representation, and responsible humor to ensure that satire does not cross into the defamatory territory.
6. **Dynamic Legal Landscape:** The legal landscape for defamation in Nigeria is subject to ongoing developments, judicial interpretations, and societal changes, reflecting the evolving nature of digital expression and communication.
7. **Educational Awareness:** Content creators, platforms, and stakeholders in Nigeria's skit-making ecosystem require educational awareness of defamation laws, ethical guidelines, and best practices to foster responsible and legally compliant creative expression.

Understanding the complexities and evolving nature of the interplay between defamation laws and skit-making in Nigeria is essential for content creators, platform operators, and regulatory authorities to navigate the legal, ethical, and creative dimensions of skit production and dissemination. This nuanced understanding fosters an environment where artistic expression can flourish responsibly within the bounds of legal and ethical standards.

8.0 CONCLUSION

Article sheds light on the complex interplay between legal regulations and creative expression in Nigeria. It is evident that, defamation laws in Nigeria have significant implications for individuals engaged in skit-making and other forms of creative expression. The need to navigate legal boundaries while exercising creative

²⁷ Unini C, 'Content Creator arrested for defaming businessman E-money, cites boosting online traffic as motive' (2024) <https://thenigerialawyer.com/> Assessed on 30th May, 2024.

freedom is paramount to ensuring that artistic expression remains respectful and responsible.

This work underlined the importance of upholding the rights and reputation of individuals while also recognizing the value of freedom of expression. Skit makers and content creators in Nigeria face the dual challenge of fostering creativity while adhering to legal and ethical considerations. It is crucial for individuals and the creative industry as a whole to strike a balance between the two, promoting a culture of responsible and respectful expression that contributes to a harmonious society.

It is imperative for stakeholders, including content creators, legal authorities, and the public, to engage in constructive dialogue to address the challenges and opportunities presented by defamation laws in the context of skit-making. By doing so, a conducive environment can be fostered, where creativity can thrive within the framework of legal and ethical boundaries. This will not only safeguard the rights and integrity of individuals but also nurture a vibrant creative landscape that reflects the diverse voices and perspectives of Nigerian society. The intersection of defamation and skit-making in Nigeria calls for a nuanced approach that upholds both the rule of law and the spirit of creative expression. It is a call to action for individuals, communities, and policymakers to work collaboratively in navigating these legal boundaries while fostering an environment that respects the rights and dignity of all individuals.