



Media Regulations in the Digital Era: The Changing Trends and Challenges

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Abstract

The broadcast industry often finds itself caught between maintaining professional standards and adhering to government-imposed regulations. With the ongoing transformation in traditional broadcasting, it has become necessary to review existing regulatory frameworks implemented by statutory agencies and professional bodies. This paper reports on the state of broadcast media regulation and highlights the challenges of enforcement in the face of media convergence. It adopts both self-regulatory and statutory models as its analytical framework. Findings indicate that the digitisation of broadcasting has broadened media operations, resulting in increasing breaches of regulatory guidelines. A notable example is campus radio stations, which are authorised to serve their respective institutions and host communities but often operate beyond these limits. The paper concludes that regulating broadcast media in the digital age presents significant difficulties and recommends a review of existing regulatory approaches to reflect contemporary realities.

Keywords: Broadcast media, regulation, challenges, digital era, trends

Introduction

Media regulation remains one of the most debated issues, often regarded as a direct challenge to media freedom and independence. The digital era, characterised by rapid technological advancement, has significantly altered broadcast media regulations. McQuail (1997) observes that the media are undergoing rapid transformation due to developments in new technology. The broadcast industry has witnessed the rise of internet radio, television, and free-to-air satellite stations. Traditional media organisations are increasingly going digital and have adopted live streaming of their programmes. These advancements, however, have rendered many existing regulatory frameworks outdated.

Lunt and Livingstone (2012) assert that the paradigm of media regulation has shifted, influencing the interactions between media organisations and regulatory institutions. This is evident in the way statutory regulatory bodies continually review broadcast codes and enforce strict compliance by media organisations. Sani (2019) notes that differences in media regulation are often linked to technological changes. Whenever a new medium emerges such as the internet regulators are compelled to formulate new rules to govern its use. For instance, the advent of

Artificial Intelligence (AI) necessitates a review of existing regulatory frameworks to account for AI's role in content creation. This highlights the dynamic nature of media regulation and its ongoing evolution.

Nigeria's broadcast industry is governed by several regulatory mechanisms, the most prominent being the National Broadcasting Commission (NBC), which is legally mandated to regulate and oversee the sector. Established in 1992, the NBC operates under the *NBC Act*, *CAP N11*, and Laws of the Federation of Nigeria 2004. The Commission has developed a broadcasting code to serve as a guiding framework for broadcast content. In addition, the industry is subject to other legal provisions, including the Penal Code which criminalises sedition the *Obscene Publications Act*, which prohibits the transmission of obscene materials, and the *Electoral Act*, which provides guidelines for media coverage of political campaigns, parties, and candidates.

This paper seeks to help readers understand that media institutions are subject to regulation. Beyond this, the paper aims to identify the challenges involved in regulating the broadcast media in the digital era. While the study by Siraj and Rabilu (2024) explores the practical experiences of regulation, this paper takes a different approach by focusing on the emerging challenges. Identifying these challenges is both timely and relevant, as it allows policymakers to anticipate potential problems and consider appropriate responses. This is a conceptual paper, relying on secondary data from journal articles, books, and regulatory documents to discuss the evolving nature and challenges of broadcast media regulation in the digital age.

Conceptual Clarification

Media regulation

Media regulation is subject to historical and political interpretations. This is because the emergence of the media in Nigeria across three distinct dispensations: colonial, military, and democratic was governed by bureaucratic procedures and guidelines designed to sustain media operations. According to McQuail (1997), media regulation refers to all the means by which media organisations are formally restrained or directed in their activities. This definition implies that regulation constitutes a form of external control through policies, laws, and ethical standards guiding media operations. Anaeto, Anaeto, and Tajumaiye (2009) submit that media regulations are complex systems of rules and procedures, developed over time to ensure that the media serve public and societal needs, and to manage the relationship between the media and the public. It involves controlling and guiding media operations through established laws, procedures, and enforcement mechanisms upheld by statutory bodies, professional organisations, and the media institutions themselves. McQuail (2005) also notes that media policy and regulation encompass all public policies, laws, and guidelines that shape the structure and operation of media systems. Their aim is to maintain conditions for free and extensive communication within society, to promote the public good, and to limit potential harm to legitimate private and public interests.

Generally, the primary goal of media regulation is not to hinder media freedom, but rather to ensure order and responsibility in media practice. Regulation is a strategy for setting parameters within which the media can operate effectively. However, media scholars and practitioners often conflate media regulation with censorship. The two are distinct in both intention and application: while regulation seeks to improve content standards, censorship aims at suppression. Obi (2023) states that censorship implies the suppression of fact-based news and information, either wholly or in part, to prevent the public from accessing or being exposed to it.

Media regulation refers to the actions taken by government agencies and/or professional bodies to ensure order and guidance in media practices. The activities of journalists, media practitioners, and media proprietors are regulated by various agencies for reasons ranging from serving public interest to upholding standards and protecting business interests. Schejter (2018) notes that the study of media regulation and policy is concerned with how media institutions and their activities are structured and supervised. Such studies involve the intersection of technology, law, and economics, which together form the foundation for regulatory practices.

McQuail (2005) identifies four major areas of concern in media regulation:

1. **Business Ownership and Control:** Media operations are capital-intensive, requiring significant financial investment. Media owners must meet capital requirements to procure state-of-the-art equipment, obtain licences, cover operational costs such as fuel for generators, staff salaries, and other expenses.
2. **Standards of Content:** Content regulation focuses on adherence to codes of practice and professional guidelines. For instance, 30-minute programmes must fit within their allocated time slots, advertisements should not exceed 60 seconds, and transliterations or translations must be accurate and culturally sensitive.
3. **Preservation of Personal Liberty:** This refers to individuals' rights to express opinions and access information via media platforms without undue interference. Such freedoms include the right of expression and the right of reply, though they must be exercised responsibly.
4. **Preservation of Public Interest:** Public interest has long been a contested concept in media regulation. Questions such as "What is public interest?" and "Who defines it?" are difficult to answer. According to Yusuf, Iroegbu, and Usman (2023), public interest serves as a guiding principle for regulators and policymakers to ensure that media meet community information needs and support democratic processes. In this context, public interest refers not to what the public finds entertaining, but to content that affects society's wellbeing: health, livelihoods, security, and governance.

Broadcast Media Regulation

Broadcast media regulation is particularly delicate, as it covers both media organisations and the content they produce. According to the National Broadcasting Commission (NBC) Code (2016), regulation is intended to ensure that broadcasting contributes meaningfully to the social, cultural, technological, economic, and political life of Nigerians. This underscores the essential role of broadcasting in every aspect of national development. The NBC has established the following regulatory principles:

1. Broadcasting must uphold legality, decency, truth, integrity, and respect for human dignity, as well as align with Nigeria's cultural, moral, and social values within the provisions of the Constitution.
2. Nigerian broadcasting shall meet the highest professional standards.
3. The regulatory framework must address local needs without compromising international standards.
4. Broadcasting shall provide a diverse range of services that reflect Nigerian cultures and communities.
5. At least 70% of broadcast ownership and operations must be Nigerian.

6. Broadcasting must promote and protect the rights of women, children, and vulnerable groups.
7. Content must be mindful of potential harm or offence.
8. Broadcast frequency bands, as scarce resources, must be used efficiently in accordance with international best practices.
9. Universal access to broadcasting content, technologies, and services shall be encouraged.
10. Broadcasters must respect community standards in content production.
11. Mechanisms for handling complaints and feedback must be in place.
12. Broadcasters must uphold constitutional rights and responsibilities of the mass media.
13. Fair and sustainable competition shall guide the industry.
14. Self-regulation shall operate within professional frameworks.

These guidelines serve as the operational threshold for broadcast media in Nigeria. They provide a constant reminder to media practitioners of their responsibilities and of the public's expectations in terms of content creation and dissemination. Media regulation depends on two different paradigms: statutory media regulation and self-regulation. Statutory media regulation is carried out by agencies and professional bodies mandated by law and the media profession to direct media operations. The Nigerian broadcast industry is statutorily regulated by the National Broadcasting Commission (NBC). The NBC is responsible for the following:

1. **Issuance of Licence:** The Act establishing the NBC clearly stipulates that the regulator is responsible for recommending the issuance of licences to prospective licensees. The power to grant a licence is vested in the President. However, the NBC controls how media organisations are established. This is done through the recommendation for the issuance of operational licences to government bodies and interested corporate individuals who meet the requisite requirements to start a media business. According to the *NBC Code* (2016), a licence is an authority conferred on an applicant to commence broadcasting services under specific conditions. Without a licence, operating premises for the purpose of transmitting sound or vision through cable, radio, television, satellite, or any other medium in Nigeria is considered illegal. For this reason, radio stations like Radio Biafra were declared illegal by the NBC. The regulatory body categorises licences, their usage, and their renewal. These benchmarks set by the NBC provide the basis for determining who may start a media business, how the media should operate, and how licences are renewed. In 2022, the NBC revoked the licences of 52 radio and television stations due to failure to renew them.
2. **Monitoring Broadcast Media Content:** In this area, the broadcast regulator monitors stations for harmful emissions, interference, and illegal broadcasting. The regulatory body has a Monitoring Unit responsible for this task. The unit records daily programmes broadcast from different stations and ensures compliance. The Monitoring Unit meticulously listens to and views radio and television stations under its jurisdiction, follows the programme schedule of each station (submitted quarterly), and observes areas where the stations may have erred. With the proliferation of broadcast media organisations, monitoring has become increasingly difficult. As of 2023, there are 777 broadcast media organisations across campus, public, and private spheres.
3. **Sanctioning Broadcast Media Organisations that Violate the NBC Code:** Sanctions are imposed through revocation of licences, non-renewal of licences, seizure and forfeiture of

equipment, issuance of queries, and imposition of fines on defaulting stations. Violations include refusal to comply with the Code and to operate in the public interest, use of materials not suitable for broadcast, overrunning scheduled programmes, and altering programme schedules without written notification, among others. Ostensibly, the statutory broadcast regulator operates under a guiding document known as the National Broadcasting Code. The Code stipulates minimum broadcast standards for all programmes aired by radio and television stations in Nigeria. "Programmes" here refer to all content aired on radio and television as captured in the quarterly programme schedule, such as news, discussion programmes, soap operas, talk shows, dramas, and advertisements, among others. As a professional instrument, the Code guides monitoring and enforcement of the NBC Act. It outlines the rights, ethics, and objectives to be adhered to by every broadcast operator in Nigeria. The Code is periodically reviewed by experts from academia and industry to reflect current realities in broadcasting. The latest edition, the 7th edition, was unveiled in 2023. Two authors of this paper contributed inputs to it through the Head of Department, Mass Communication, and University of Maiduguri.

Despite periodic reviews, the conceptualisation and implementation of the Code are sometimes viewed as politically manipulated. Ukah (2011) argues that the broadcast regulator in Nigeria is not neutral in both the drafting and enforcement of the Code. It is also selective in enforcing broadcast regulations. For instance, in 2015, NTA was spared despite an obvious imbalance in news reportage and advert placements for the two major presidential candidates in Nigeria. The broadcasting regulatory agency in Nigeria like others worldwide is empowered by law to regulate broadcasting in the public interest, convenience, and necessity.

Self-Regulation

Self-regulation is the second paradigm of media regulation. This is implemented through codes of ethics developed and adopted by professional bodies within the media industry. Pate (2018) notes that ethics are deeply enshrined in the Nigerian Constitution and various regulatory codes. Rodman (2007) states that a code of ethics is a self-regulatory mechanism that ensures members of a professional body perform their duties ethically, thereby attracting public trust and respect for the profession. Alhasan and Abdulai (2018) argue that professional ethics are based on making appropriate decisions to serve the best interests of the profession and society. In this regard, professional codes of ethics are mechanisms established by professional bodies to supplement existing laws and ensure that media organisations stay on the right path. These may be seen as self-assigned powers to determine and specify acceptable practices for broadcasters. Gambo (2013) observes that journalists and media proprietors have organised themselves into professional groups with the aim of setting and maintaining standards, and protecting members from real or potential government excesses. These professional bodies provide a framework to safeguard the welfare of their members, uphold constitutionally guaranteed freedom of expression, and reinforce the mass media's responsibility to the Nigerian state and its citizens.

Why is Media Regulation Important?

Broadcast media content is known for its ubiquitous and instantaneous nature. Broadcast media have the capacity to instantly relay messages to the public, which could trigger immediate feedback. From the onset of broadcasting in Nigeria, the government did not leave it without a level of control. Authorities recognised the need to check individuals who provide broadcast

services. Governments assumed the responsibility of allocating broadcast frequencies to address what is termed 'chaos of the airwaves'. This refers to obstruction in the transmission of radio signals. In this regard, regulation is essential to avoid duplication of frequencies among broadcast stations. Chaos in the airwaves is avoidable when the allocation of frequencies is systematically followed and regulated. Hollick (2016) notes that media regulation has both liberating and restrictive aspects. Regulation is restrictive when it seeks to restrain powerful commercial forces bent on securing market dominance and enjoying the power and influence that come with a dominant share of voice. Conversely, regulation is liberating in its efforts to promote diversity, range of choice, and structures that foster cultural and democratic values.

Furthermore, Onoja (2023) states that governments capitalise on the need to ensure national security and protect citizens as justification for regulating the media. The necessity to prevent the dysfunctional use of media underscores the importance of regulation. Onoja further opines that the instantaneous nature of broadcast media makes it a veritable tool that could be misused for destructive purposes. A harmful broadcast that is not regulated could potentially aggravate social unrest. Regulation serves as a reminder to media organisations to uphold the principles of broadcasting and act responsibly. The regulator exists to ensure that media organisations fulfil their social responsibilities. Through this, broadcast content can contribute to cultural promotion and preservation of values. Pradhan (2018) identifies four main reasons for regulating the media: effective communication, diversity of political and cultural content, economic justifications, and public service. This means that broadcasting is regulated to ensure communication that is effective and devoid of vulgar or lewd language, provides a range of political and cultural programming, and serves the public interest. Corroborating, Sani (2019) asserts that broadcast media are regulated to protect public order, support government and justice systems, safeguard individual and group rights that may be harmed by unregulated media, promote efficiency and development within the communication system, and enhance access to and freedom of communication.

New Media and Its Impact on Broadcast Media Regulation

The transformation of the global communication landscape driven by the emergence of new media technologies such as streaming platforms, social media, and algorithmic content curation has fundamentally reshaped the regulation of broadcast media. New media, which comprise digital and internet-based platforms that facilitate interactive, participatory communication, have not only disrupted traditional broadcasting models but have also exposed the inadequacies of regulatory frameworks designed for an earlier technological age. This disruption is characterised by the borderless nature of digital communication, the decentralisation of content creation, and the increasing reliance on algorithmic filtering all of which have made the regulation of broadcast media more complex, ambiguous, and contentious.

According to Green (2025), unlike conventional broadcast media, which operate under clearly defined frequency allocations and are subject to national regulatory oversight, new media platforms such as Facebook, YouTube, TikTok, and Twitter (now X) bypass traditional gatekeeping mechanisms, enabling virtually anyone to publish and disseminate content globally. Mitra (2001) argues that the foundational assumptions of broadcasting regulation scarcity and interference do not apply to the internet, where users enjoy near-unlimited capacity to publish content. While this transition from scarcity to abundance initially empowered decentralised

communication, it has paradoxically introduced new risks such as monopolistic control, algorithmic gatekeeping, and the erosion of public interest broadcasting.

In addition to technological disruption, convergence has further blurred the distinctions between press, broadcasting, and telecommunications. Katsirea (2024) refers to this as causing “regulatory ruptures” conflicts between traditional regulatory philosophies and the realities of a converged digital environment. Courts and regulators are increasingly faced with the dilemma of whether to adapt existing rules or craft entirely new frameworks suited to the dynamics of digital media ecosystems. Katsirea’s comparative legal analysis illustrates how global jurisprudence grapples with the challenge of redefining press freedom and accountability in the context of digital news and broadcasting.

In Nigeria, the challenges are even more pronounced. Regulatory agencies such as the NBC operate within legal frameworks that predate the digital boom and have struggled to respond effectively to the realities of new media. Although there have been attempts to extend the Nigerian Broadcasting Code to cover online platforms, enforcement is undermined by a lack of jurisdiction over global digital service providers (Ngozi & Nzan-Ayang, 2023). Many of these platforms operate under transnational data regimes and proprietary algorithmic systems, creating a regulatory vacuum that emboldens disinformation, hate speech, and unmoderated content (Cen & Shah, 2020). This challenge is further complicated by what may be termed regulatory annexation, where legacy rules are applied to new media without reforming institutional structures, leading to both overreach and ineffectiveness.

In sports broadcasting, regulatory challenges have been heightened by the rise of over-the-top (OTT) services. Evens and Smith (2022) note that while these platforms have democratised access to sports content, they have also introduced additional complexities regarding exclusive rights management, market competition, and event accessibility. They argue that new media have disrupted the traditional broadcasting landscape and present a critical opportunity to reform regulatory models in alignment with cross-border streaming and digital content monetisation. Furthermore, the role of algorithms in shaping visibility and public discourse has introduced an opaque form of gatekeeping. Cen and Shah (2020) highlight how platforms curate information flows based on engagement metrics rather than public interest, often reinforcing echo chambers and filter bubbles. Unlike terrestrial broadcasters, who are held to community standards and public service obligations, algorithm-driven platforms are guided by commercial imperatives thereby undermining pluralism and democratic deliberation (Green, 2025). These developments demand a recalibration of media regulation from a broadcast-centric model to a platform-neutral, content-sensitive, and data-aware regulatory ecosystem.

This transition must involve revising legal definitions, expanding mandates to address algorithmic practices and cross-border content flows, and establishing hybrid governance models where regulators collaborate with platforms, civil society, and users. Without such reforms, traditional broadcasters will continue to lose relevance and influence, while the public interest particularly with regard to democratic communication will remain vulnerable in the digital age.

Challenges of Broadcast Media Regulation in a Digital Era

The crux of this paper is to identify the changes in broadcast media regulation as a result of technological advancement. Although the previous section has highlighted some of the attendant challenges of regulating broadcast media in the digital era, this section will explicitly discuss them.

The digital era has radically altered media regulation, just as it has altered the features of broadcasting from transient to permanently available. These alterations pose attendant challenges to media regulation and can be summarised as follows:

1. **Digitisation of Broadcasting:** The broadcast industry has been digitised. Broadcast media organisations have expanded their reach via digital satellite broadcasting and online presence through Radio Garden and internet streaming. According to Ibrahim (2024), digital media has become the cornerstone of the media landscape. The transition from analogue to digital formats has revolutionised how content is produced, distributed, and accessed. Radio stations operating on frequency modulation and reaching a limited geographical area using a transmitter of not more than five kilowatts are now found on Radio Garden.
2. **Artificial Intelligence:** Artificial Intelligence (AI) has transformed broadcast media and content production. The access, production, distribution, and consumption of media content have changed due to advancements in technology. Broadcasting, like other sectors, has had its fair share of AI applications in engineering and programme production (scripting, editing, and writing). AI is increasingly becoming both a challenge and a threat to people, media workers, and regulators. This is due to the heavy reliance on AI to carry out tasks in the media industry that were previously the preserve of humans. AI may serve as both a challenge and an advantage in regulating broadcast media. AI-powered tools may be advantageous in helping to identify anomalies in broadcasting, thereby easing the monitoring burden on regulators. On the other hand, AI may pose a challenge if used in the production and distribution of content such as fake news, hate speech, and other materials unfit for broadcast. Although some media organisations have adopted internal policies on the use of AI, the regulator is yet to develop any formal policy in this regard.
3. **Social Media and YouTube Channels:** Social media platforms and YouTube channels have posed serious challenges to the regulation of broadcast media. Through such platforms, users engage in podcasting, netcasting, and videocasting. This enables content that is not suitable for broadcast on mainstream media to find its way onto social media platforms, which the NBC has no power to regulate. Even though social media platforms have their own content regulations to restrict gory uploads, issues remain. For instance, on 19 April 2025, NBC categorised the song *Tell Your Papa* by Eedris Abdulkareem as *Not-To-Be-Broadcast Musical*. While many radio and television stations complied with this directive, the song still went viral on social media platforms. According to Siraj and Rabilu (2024), content that would not be allowed on mainstream media can easily circulate on social media. There are also instances where music, political, and religious content containing hate speech is uploaded to these platforms. This poses a serious challenge for regulators.
4. **Ban on Political Parties and Religious Organisations from holding Broadcast Licences:** The ban on political parties and religious organisations from obtaining broadcast licences has not successfully checkmated the production and dissemination of content that may be offensive to reasonable members of society. Ukah (2011) and Sani (2017) both faulted the laws preventing these groups from acquiring licences, arguing that the

restrictions impede media development. Although many religious organisations have established satellite television stations in Nigeria, they have increasingly resorted to using social media and YouTube channels to stream content to audiences. This has dealt a setback to effective regulation.

5. **Lack of Familiarity with the Code among Broadcasters:** One of the noticeable challenges of broadcast regulation is the lack of familiarity with the regulatory code among broadcasters. According to Sani (2019), the most pressing challenge for traditional media is low awareness of the content of the NBC Code. He further opines that most broadcasters are unaware of its existence, while only a few possess a copy of the Code. As of then, the Code was lying idle, gathering dust in the office of the General Manager. This situation is partly due to the limited availability of physical copies. The only portion of the Code that circulates widely is the excerpt on political broadcasting guidelines during election campaigns, which is posted in strategic locations in newsrooms and in television and radio studios.
6. **Conflicting Laws in the Constitution:** The NBC Code, which gives the commission power to impose sanctions on broadcast stations, has been in conflict with Section 6 of the 1999 Constitution, which vests judicial powers in the courts. The judgement of a Federal High Court in 2023, which banned NBC from imposing fines on broadcast media organisations, has opened a new vista in media regulation. *The Guardian* newspaper (2023) reports that Justice James Omotosho described NBC's actions as ultra vires. He held that the fines imposed by NBC for various offences under its Code were contrary to law and therefore declared them unconstitutional, null, and void. The judge also issued a perpetual injunction restraining the commission from further imposing fines on broadcast stations in the country.

Conclusion

This paper has examined the changing trends in media regulation as a result of digital transformation and the challenges it has introduced. Technological transformation has altered media regulation and brought about a regulatory rupture between mainstream media content and user-generated content disseminated via social media platforms. The paper highlights the complex challenges of regulation such as digitisation, artificial intelligence, social media platforms, and user-generated content. The statutory regulatory body for broadcast media is undoubtedly constrained by changes in the digital era. One of the conclusions reached is that broadcast media regulation in the digital era is marred by challenges that make regulation very difficult and sometimes compel statutory regulators to apply existing principles and laws across all platforms. These daunting challenges affecting effective monitoring, content creation and distribution, and sanctioning require a painstaking approach to address. Therefore, the paper suggests the need for a review of regulatory styles by relevant authorities to bring them in line with current realities, as well as amendments to existing mechanisms such as *The NBC Code*, to include clauses concerning artificial intelligence and user-generated content on social media. The law establishing regulatory bodies such as NBC predates the internet era and requires amendment to empower the agency to extend its regulatory reach to new media.

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