

BIG BROTHER NAIJA: A CRITICAL APPRAISAL OF ITS IMPACTS AND LEGAL CHALLENGES

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Abstract

Big Brother Naija (BBNaija) is a popular Nigerian reality television show based on the Big Brother format. It is a show where a group of contestants, known as "housemates", live together in a specially designed house with cameras and microphones recording their every move from the very first day of the show to the end. This paper examines into the knottyweb of legal issues surrounding the show, examining the tensions between entertainment, privacy, and the law. The paper reveals a complex landscape of legal concerns, including privacy violations, contractual disputes, copyright infringement, defamation, and obscenity law violations. It also uncovers inconsistencies in the show's handling of vote manipulation allegations and prize winnings. The paper employs primary and secondary sources of law to analyse the legal implications of BBNaija's format, contracts, and content. It concludes that BBNaija's success is mollified by significant legal challenges, necessitating a re-evaluation of the show's practices and Nigeria's regulatory framework. By carefully addressing these legal considerations, such as obtaining the necessary permits and clearances, drafting comprehensive contracts with cast and crew, and implementing risk management strategies, BBN's producers can minimise potential legal and financial risks, protect their intellectual property rights and creative interests, and ensure a successful, entertaining, and socially responsible production.

Keywords: Big Brother Naija; Economic Impact; Legal Challenges; Housemates; Copyright Infringement, Nigeria.

1. Introduction

In recent years, Big Brother Naija has evolved into a remarkable cultural phenomenon and a formidable financial force within the Nigerian entertainment industry. As the most-watched reality television show in Africa, it has captivated millions of viewers with its intense drama, diverse range of housemates hailing from various backgrounds, and compelling narratives. Beyond merely entertaining, Big Brother Naija has significantly impacted the socio-economic landscape of Nigeria, influencing not just individual preferences but also broader market trends. Its reach extends into consumer behaviour,

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advertising strategies, and even various legal frameworks that govern entertainment in the country.³

This study undertakes a comprehensive exploration of Big Brother Naija, aiming to unpack its profound economic implications and the numerous legal challenges it encounters. By meticulously assessing its contributions to Nigeria's economy ranging from job creation across various sectors, the stimulation of local tourism, and increased visibility for brands engaged in sponsorship the paper uncovers the underlying mechanisms that fuel its commercial success. The show's effect on the marketing landscape is particularly noteworthy, as brands increasingly leverage the show's popularity to engage with a younger demographic, often resulting in innovative advertising strategies tailored specifically to resonate with viewers.⁴

At the same time, the paper recognises the complex legal dilemmas that arise in connection with the show. These include issues related to intellectual property rights, as content creators and participants navigate the delicate balance between creativity and ownership. Furthermore, regulatory compliance remains a pressing issue, with the need for adherence to both local broadcasting regulations and international standards. The interplay between these legal challenges and the commercial ambitions of producers and sponsors highlights the multifaceted considerations that shape the landscape of reality television in Nigeria.

The paper aims to provide a thorough and detailed analysis of Big Brother Naija's dual identity as both a significant economic powerhouse and a complex legal landscape. By the end of this study, readers will possess a deeper and more nuanced understanding of how a single television program can wield such extensive influence. This analysis raises critical questions for policymakers, industry stakeholders, and the broader society regarding the future of entertainment, its regulatory environment, and the ethical responsibilities of those involved.

Expect a detailed exploration that not only charts the financial currents flowing from this entertainment giant but also meticulously dissects the legal frameworks that govern its operation, thereby ensuring a well-rounded perspective on a program that continues to resonate profoundly with the Nigerian populace and shapes the cultural climate in the region. It must note that the concept of reality TV began in 1948 in the US with Alan Funt's series **Candid Camera**,⁵ which has inspired similar shows globally..

³C. Isike, O. Ogunnubi, and O. Ukwueze, 'Big Brother Naija and Popular Culture in Nigeria', <https://link.springer.com/book/10.1007/978-981-19-8110-4> accessed 26th January 2025.

⁴C. J. Obijuru, I.V. Dunu, and U. Ekwughu, 'unizik undergraduates' response to covert advertising messages on big brother naija series', <https://gojamss.net/journal/index.php/ijlit/article/view/1061> accessed 26th January 2025.

⁵ Reality TV became very popular in the 21st century, but it has been around nearly as long as television itself. One of the first reality TV shows, Candid Camera, started on ABC in 1948. It was originally called Candid Microphone because it began as a radio program. The show captured unsuspecting people's reactions to clever practical jokes. Examples of

Opinions on Big Brother Naija vary greatly. Some people criticise it for displaying indecent scenes and nudity. However, the producers have also included valuable content that discusses culture, religion, education, and health issues. Within the group of individuals who have a negative view of it, some believe that individuals who watch BBN should reassess their priorities. In contrast, others believe that BBN⁶ is the source of all societal ills in Nigeria and is responsible for producing a generation of morally corrupt Nigerians.

Within the 'like' category, a dedicated subset of enthusiasts meticulously analyses social media engagements and staunchly supports their favourites, often countering criticism. This subset can be found across various platforms such as Instagram, Twitter, and YouTube, where they closely monitor likes, comments, and shares to gauge the popularity of their favourites. They often participate in lively discussions, defending their chosen favourites with well-researched arguments and engaging in respectful debates with those who hold differing opinions. Their dedication can even lead to the creation of fan accounts and community-driven initiatives to support and promote their favourites. Then some individuals appreciate the entertainment and excitement but maintain a perspective that it is all just part of a show.

- i. It is essential to recognise that producing a show like Big Brother Naija entails addressing substantial legal considerations such as: Drafting comprehensive, binding contracts for participants, sponsors, vendors, and crew members; ensuring clauses cover confidentiality, non-disclosure, and dispute resolution; negotiating fair terms and conditions for all parties involved.
- ii. Understanding and protecting intellectual property rights by safeguarding the show's concept, format, and content; registering trademarks, copyrights, and patents; licensing agreements for music, images, and other creative works.
- iii. Complying with privacy laws, and adhering to regulations governing reality TV shows by protecting participants' personal information and data, obtaining informed consent for data collection and usage, and ensuring confidentiality and anonymity where required.
- iv. Adhering to guidelines set by regulatory bodies such as the NBC⁷ and the NCC⁸, complying with rules on content, advertising, and sponsorship, and respecting participants' rights and dignity.

these jokes included a telephone booth that seemed to float while someone was using it and a two-way mirror in a barbershop that surprised customers with startling images. Various versions of Candid Camera aired from 1948 to 2014
<https://www.britannica.com/topic/reality-TV#ref1319032> accessed 19th November 2024.

⁶ Big Brother Nigeria.

⁷ Nigerian Broadcasting Commission

⁸ Nigerian Communications Commission

- v. Avoiding harmful or false statements about individuals or organisations, and ensuring fair and accurate representation to avoid defamatory action.
- vi. Compliance with labour regulations for crew and staff; fair compensation, benefits, and working conditions.
- vii. Liability insurance for accidents, injuries, or property damage, and contingency planning for unforeseen events.

The additional layer of complexity introduces a new perspective, offering a deeper understanding of the show. While entertainment and drama remain central elements, examining the legal aspects has provided a more profound appreciation for both the production and the show as a whole.

The paper is structured as follows: Section One provides the introduction. Section Two explores the modus operandi of the game, including nominations, the eviction process, tasks, challenges, and stakes. Section Three analyzes the economic impact and benefits of Big Brother Naija. Section Four examines the regulatory framework governing reality television. Section Five discusses the legal issues arising from Big Brother Naija. Finally, Section Six presents the conclusion and offers recommendations.

The Modus Operandi of the Game

The ultimate goal of each housemate is to remain the last person standing, thereby securing the grand prize offered by Biggie, the show's organiser. The structure of the game operates as follows:

Nominations

In the reality television show Big Brother Naija, the nomination process plays a crucial role in shaping the dynamics within the house, as it directly influences which housemates may face eviction each week.

Each week, nominated housemates are determined through a voting system executed by the housemates themselves. During this process, typically conducted in the Diary Room, each housemate privately writes down the names of fellow housemates they believe should be put at risk of eviction. The reasons behind these nominations can vary widely, ranging from personal conflicts to strategic gameplay, and this aspect often adds tension and intrigue among the housemates.

The Head of House (HoH), who is determined through a competitive challenge at the beginning of each week, holds significant power over the nomination process.⁹ This person has the authority to save one nominated housemate, effectively granting them immunity from eviction. Additionally, the HoH must

⁹BBNaija Daily, 'BBNaija 2024 Week 4 Nomination Result for Eviction', <https://bbnairadaily.com/bbnaija-2024-week-4-nomination-result-for-eviction/?form=MG0AV3> accessed 19th November 2024.

nominate another housemate in place of the one they have saved, making their decision a critical moment that can shift alliances and strategies among the housemates.

Following the nominations made by the housemates, the power shifts to the viewing public, who play an essential role in the survival of the contestants. The public is given the opportunity to vote for their favourite housemates, and this vote is critical as it determines which housemates are at risk of being eliminated. The housemate who receives the smallest votes from the audience is placed in jeopardy and becomes a prime candidate for eviction.

The culmination of the nomination and voting processes leads to the eviction night. The housemate with the least support from the public, combined with the nominations from their peers, faces the threat of eviction. After the public votes are tallied, the results are disclosed to the housemates during a live eviction show, where the selected housemate must leave the Big Brother House, often resulting in emotional farewells and dramatic exits.

To keep the competition fresh and engaging, Big Brother occasionally introduces new twists to the nomination process.¹⁰ These deviations may include face-to-face nominations,¹¹ where housemates confront one another and state their reasons for nominations in front of their peers, or secret ballots, which add an element of surprise and unpredictability. Such changes are designed to heighten the drama, provoke strategic shifts, and test the relationships between housemates.

Overall, the nomination process in Big Brother Naija is crafted to maintain a high-stakes atmosphere, ensuring that the game remains thrilling and strategically complex for both the housemates and the viewers. The intertwining of personal relationships and gameplay strategy keeps the audience engaged, rooting for their favourites while speculating about alliances and power dynamics within the house.

Eviction Show

The Eviction Show in Big Brother Naija is one of the most crucial and dramatic components of the reality television series, serving as a barometer for the housemates' popularity and strategies. At the outset of the eviction process, housemates participate in a nomination round, where they openly nominate each other for eviction. This process is influenced by various factors, including game strategy, alliances, social dynamics, and individual behaviours exhibited throughout the week. Housemates carefully weigh their decisions, often considering who poses the greatest threat to their progress or who they

¹⁰S.G Itodo, 'BBNaija All Stars: Biggie Introduces New Nomination Process', <https://dailypost.ng/2023/07/31/bbnaija-all-stars-biggie-introduces-new-nomination-process/?form=MG0AV3> accessed 19th November 2024.

¹¹Augustine Abu, 'BBNAIJA: Wannii, Tjay, Handi, Six Others Nominated for Eviction', <https://www.premiumtimesng.com/entertainment/naija-fashion/735598-bbnaija-wanni-tjay-handi-six-others-nominated-for-eviction.html?form=MG0AV3> accessed 19th November 2024.

perceive as least deserving of remaining. Following the nominations, a shortlist of housemates receiving the highest number of votes from their peers is compiled, rendering them eligible for eviction.

Once the nominations are announced, the power shifts to the viewing public,¹² who play a significant role in determining the fate of the nominated housemates. The audience is encouraged to vote for their favourites via various platforms, such as social media and official polling channels. The housemate who receives the fewest votes from the public faces the risk of eviction. This phase is critical, as it reflects the viewers' sentiments and can often lead to unexpected outcomes based on popularity, viewer loyalty, or public opinion.

The live eviction show is highly anticipated and filled with tension. The host, with a dramatic flair, reveals which housemate has been evicted based on the public vote. The atmosphere is charged with emotion as housemates react, often expressing shock, sadness, or relief, depending on their relationships with the evicted individual. The announcement not only affects the evicted housemate but also has repercussions on those remaining in the house, who must navigate the evolving dynamics.¹³

Following the announcement, the evicted housemate is afforded a moment to bid their farewells. This farewell includes heartfelt messages, reflections on their experiences, and thoughts on their journey throughout the season. Such moments can be deeply emotional, highlighting the bonds formed within the house and the struggles each housemate faces. Often, viewers resonate with these emotional farewells, as they summarise both the joy and pain of reality television.

Big Brother is known for introducing unexpected twists that keep the format fresh and engaging. During the eviction process, there might be surprise immunity challenges, secret tasks that could alter who is nominated, or sudden changes to the eviction rules themselves. These twists can catch both the contestants and the viewers off guard, creating an unpredictable viewing experience and heightening the stakes involved.¹⁴

The Eviction Show also fosters a vibrant interaction between the contestants and the viewing audience. Fans engage through live voting, social media discussions, and various platforms that allow them to express their opinions and support for their favourite housemates. This interaction not only enhances

¹² Showmax Stories, 'What Time is the Big Brother Naija Eviction?' <https://stories.showmax.com/za/what-time-is-the-big-brother-naija-eviction?form=MG0AV3> accessed 19th November 2024.

¹³ Taiwo Owolawi, 'BBNaija Eviction Show: Team Tami, Chekas, and More Face Eviction, One Pair Gets Evicted' <https://www.legit.ng/entertainment/tv-shows/1606130-bbnaija-eviction-show-team-tami-chekas-face-eviction-pair-evicted/?form=MG0AV3> accessed 19th November 2024.

¹⁴ Christine Persaud, 'The 10 Most Shocking 'Big Brother' Twists, Ranked', <https://collider.com/big-brother-shocking-twists-ranked/?form=MG0AV3> accessed 19th November 2024.

viewer investment in the show but also influences housemate dynamics, as contestants become aware of public sentiment.¹⁵

Overall, the eviction show is a remarkable blend of strategy, public sentiment, and emotional drama that captivates audiences. With each eviction, viewers are reminded of the ever-shifting nature of alliances, the power of public support, and the heart-wrenching reality of leaving behind newfound friendships.

Tasks and Challenges

In the world of Big Brother Naija, tasks and challenges serve as fundamental elements that shape the dynamics of the show. These activities are meticulously crafted to evaluate various skills and attributes of the housemates, including their creativity, teamwork, physical prowess, and strategic acumen.¹⁶

From Tuesday to Saturday, housemates engage in daily tasks that typically commence at 4 pm. These tasks can take the form of competitive events, theatrical performances, or innovative challenges that require creative problem-solving. Successfully completing these tasks provides housemates with a sense of achievement and opens the door to various rewards. These prizes may include cash awards, luxury items, and sponsored gifts designed to enhance the housemates' living experience.¹⁷

The weekly challenges stand out among the various challenges, particularly the renowned Black Envelope Challenge held every Monday. In this thrilling event, housemates are pitted against one another in a quest to locate a hidden envelope. Finding this envelope is crucial, as it grants the lucky housemate immunity from eviction that week, adding an extra layer of tension and strategy to the competition.¹⁸

On Tuesdays and Wednesdays, housemates participate in Diary Room sessions. During these moments, they have the opportunity to express their innermost thoughts, feelings, and reflections not only to Big Brother but also to the viewing audience.¹⁹ These sessions are pivotal, as their content can significantly impact the public's perception of the housemates, influencing their popularity and ultimately their chances of winning the coveted grand prize.

Thursdays typically offer a welcome respite from the demanding tasks, courtesy of the Grill and Pool Parties. These social gatherings provide housemates with an opportunity to relax, socialise, and enjoy themselves. Such events play a crucial role in fostering relationships, often resulting in the formation of

¹⁵*ibid.*

¹⁶Ojetunde S., 'TECNO's Big Brother Naija Task Delivers Thrills and Cash Prizes for Viewers', <https://www.bellanaija.com/2024/08/tecno-big-brother-naija-task/?form=MG0AV3> accessed 20th November 2024.

¹⁷Anazia D., 'BBNaija All Stars: The Tasks, The Wins, The Brands', <https://guardian.ng/news/bbnaija-all-stars-the-tasks-the-wins-the-brands/?form=MG0AV3> accessed 20th November 2024.

¹⁸*ibid.*

¹⁹*ibid.*

alliances and, occasionally, romantic connections among housemates, thereby adding an additional layer of intrigue to the show.

Concluding the week, the Saturday Night Rave offers a lively and entertaining respite for the housemates. This highly anticipated event is characterised by music, dancing, and exuberant enjoyment, providing housemates with an opportunity to express themselves freely and reconnect following the week's challenges²⁰. The tasks and challenges in Big Brother Naija maintain the housemates' engagement while offering entertainment to viewers. These activities encourage contestants to explore new experiences, interact meaningfully, and showcase their diverse talents and personalities, thereby enhancing the show's appeal to its audience.

Stakes

In the world of Big Brother Naija, the stakes are incredibly high, and housemates must always be on their game. The rules are strict, and failure to follow them or underperforming in tasks can lead to serious consequences.²¹ Each week, housemates are allotted a specific budget to purchase food and essential supplies to sustain them during their stay in the house. However, if they fail to meet the requirements of their tasks or violate the established house rules, they may find themselves penalised by losing a portion or even the entirety of this shopping allowance.²² Such a loss can directly translate to insufficient food and limited supplies, forcing the housemates into a challenging situation. They may have to ration their resources carefully, become innovative in meal preparation, and make do with whatever limited items they can manage to acquire, which can lead to tension and stress within the group dynamics.

Another serious consequence is the potential loss of certain privileges that housemates typically enjoy. This can encompass a variety of amenities pivotal to their comfort and day-to-day life. For instance, they may be denied access to the gym, hot water, or the use of certain appliances, which can significantly disrupt their daily routines and living conditions. Being stripped of these comforts can add to the psychological pressure of living in the Big Brother House, making it even more challenging for housemates to cope with the intense environment and maintain a positive attitude.

Perhaps the most critical and daunting consequence is the risk of being nominated for eviction. When housemates fail to meet the expectations set for them, they can find themselves in the precarious position of being nominated to leave the house. This threat hangs over every participant, as it means their status in the game is in jeopardy, and they must now depend on public voting to

²⁰See (n2) supra.

²¹Harbinger, 'Impacts of Big Brother Naija on Youths, Education, Society', <https://harbinger.com.ng/the-impact-of-big-brother-naija-on-youths-education-and-society/?form=MG0AV3> accessed 20th November 2024.

²²A. E. Umueri, 'Big Brother Naija: Why Nigerians Are Obsessed with The Reality TV Show', <https://theconversation.com/big-brother-naija-why-nigerians-are-obsessed-with-the-reality-tv-show-166299?form=MG0AV3> accessed 20th November 2024.

secure their place. The anxiety of potentially being evicted can be overwhelming, prompting housemates to engage in strategic campaigning to win viewer's support. They must navigate this emotional rollercoaster while simultaneously managing their relationships with fellow housemates and grappling with the unpredictable nature of the competition.

These consequences serve a vital role in maintaining the integrity of the game. They not only incentivise housemates to adhere to the rules and perform their tasks diligently but also contribute to the overall excitement and tension that viewers expect from Big Brother Naija. Each housemate must learn to navigate the complex dynamics and challenges of living in the house to avoid facing these potentially devastating penalties.²³

By living together in a confined space, Housemates are pushed to their limits, and their personalities, strategies, and relationships are put to the test. The show is known for its drama, twists, and turns, keeping viewers engaged and invested in the outcome.

Economic Impacts and Benefits of Big Brother Naija

When examining the various contributions of Big Brother Naija to the country, it is important to address some significant criticisms that have arisen regarding the program. One of the most notable concerns centres on the portrayal of explicit content, particularly the nudity of housemates. This issue raises ethical questions about the limits of acceptable material in entertainment and its possible impact on viewers.²⁴

Another significant concern related to the show involves allegations of cheating and manipulation in the voting process intended to favour certain contestants.²⁵ Although these claims have sparked intriguing debates, it is important to emphasise that, despite extensive investigations, no concrete evidence substantiating these allegations has been found.

Despite facing various criticisms, Big Brother Naija holds an essential place in the Nigerian entertainment industry, making significant contributions in multiple aspects. Firstly, the show has acted as a catalyst for considerable growth within the industry, providing a platform that has elevated the quality and visibility of local productions. It has not only increased viewership among diverse demographic groups ranging from young adults to older audiences but has also stimulated interest in Nigerian reality television as a whole.²⁶

²³ I. Akinwalere, 'Influence of Big Brother Naija on Youths in Lagos State', South-East Journal of Public Relations Vol. 3, No. 2 (2021) https://www.academia.edu/109806861/influence_of_big_brother_naija_on_youths_in_lagos_state?form=mg0av3 accessed 20th November 2024.

²⁴ See (n18) supra.

²⁵ Farouk Mohammed, 'WannixHandi Leads, Radicals Exit: BBNaija Voting Results Unveiled', <https://www.okay.ng/wannixhandi-leads-radicals-exit-bbnaija-voting-results-unveiled/?form=MG0AV3> accessed 26th January 2025.

²⁶ *Ibid.*

Secondly, Big Brother Naija has fostered a sense of community among viewers who engage with the show through social media and other platforms, leading to vibrant discussions and fan interactions. This engagement often translates into higher ratings and extended viewership hours, benefiting local advertisers and sponsors eager to capitalise on the show's popularity. Additionally, the programme has opened doors for many aspiring entertainers, with contestants often going on to pursue successful careers in music, acting, and influencing, thus contributing to the overall growth of the entertainment sector.²⁷

Thirdly, it has significantly broadened the opportunities available to various industry professionals, including producers, directors, actors, and technical crew members. This expansion has not only fostered emerging talent but has also led to substantial job creation across multiple sectors that support the entertainment ecosystem. In addition to fostering talent, Big Brother Naija has introduced innovative production techniques that have significantly enriched the viewing experience. The use of multiple cameras allows for dynamic scene capture within the house, enhancing storytelling and audience engagement, which in turn sets a new standard for production quality in Nigerian television.

Furthermore, the program has attracted significant advertising interest, establishing itself as a profitable platform for brands to connect with a diverse and engaged audience. This surge in advertising not only creates revenue for the production companies involved but also enhances public interest in the brands featured throughout the show's duration.²⁸

Lastly, Big Brother Naija exerts a notable influence on the economy by generating demand for various supplies, particularly food and beverage products for the housemates. This demand stimulates increased economic activity within the supply chain, creating opportunities for local businesses and farmers to engage with the show, thus enhancing their operations and contributing to overall economic growth.

Thus, despite the criticisms that the program may face, its contributions to Nigeria's entertainment industry and economy are significant. This relationship underscores a complex yet ultimately advantageous impact of the show on the broader society. When discussing the legacy of BBNaija, it is important to recognise the dual nature of its impact, comprising both positive and negative aspects.

On the positive side, BBNaija has emerged as a significant training ground for emerging talents across various domains of the entertainment industry. Many participants have transitioned successfully into music, film, drama, and advertising, highlighting the show's role as a vital feeder for these sectors. This platform provides contestants with unprecedented exposure, allowing them to showcase their personalities and skills to a wide audience, which can lead to various career opportunities post-show.

²⁷*Ibid.*

²⁸ See A. E. Umuerrri, (n18) supra.

Furthermore, the competitive environment cultivated by BBNaija instils a strong work ethic among its housemates. The drive to win the grand prize fosters a sense of dedication and ambition, pushing contestants to strive for excellence. This characteristic is beneficial not only for personal development but also serves as an inspiration for young viewers who follow the show, illustrating the value of hard work in achieving one's goals.

Conversely, there are negative implications associated with the show's legacy that warrant discussion. Most importantly, the show is characterised by an intense focus on sexual activities, which includes a spectrum of behaviours such as passionate kissing, intimate caressing, suggestive touching, provocative dances, and explicit sexual intercourse.²⁹ Additionally, the contestants often don provocative outfits, including revealing skirts, sheer dresses, and extremely bum shorts, which further highlight the show's provocative nature.³⁰ This display of scantily clad individuals and overtly sexual behaviour poses a significant challenge to our cultural values, undermining the moral fabric of society. Our community holds strong beliefs against nudity, the use of vulgar language, and public displays of affection, all of which are prominently featured on the Big Brother Naija show. Such content stands in stark contrast to the teachings of our culture, which emphasises decency and respect for personal boundaries.³¹

Regulatory Framework Regulating Reality Television

3.1 National Broadcasting Commission Act 2004

The NBC Act 2004 establishes the National Broadcasting Commission³² (NBC), which serves as the fundamental regulatory authority responsible for overseeing the broadcast of television content across Nigeria.³³ This includes the monitoring and regulation of popular reality TV shows such as Big Brother Naija, which have garnered significant viewership and engagement.

Central to its operations is the Nigeria Broadcasting Code, a comprehensive framework that outlines the standards and guidelines for broadcasting content in the country. This Code is designed to ensure that all broadcasting aligns with the values, ethics, and expectations of Nigerian society.

The Broadcasting Code encompasses several critical aspects of content regulation such as:

Content Standards: One of the primary focuses of NBC is to ensure that all programming is free from harmful or offensive material. This includes the prohibition of explicit content, hate speech, and any portrayal of violence or

²⁹ J.T.O Akinlotan, and others, 'Big Brother Nigeria: Its Violations Against National Broadcasting Commission Regulations', *International Journal of Management, Social Sciences, Peace and Conflict Studies* (IJMSSPCS), Vol.5 No.3 September, 2022; p.g. 457- 472.

³⁰ See (n29) supra.

³¹ *Ibid.*

³² See section 1 of the NBC Act 2004.

³³ See section 2, *ibid.*

other themes that might negatively impact viewers, especially vulnerable demographics like children.³⁴

Licensing: The NBC regulates the broadcasting sector by determining who is permitted to broadcast content and under what specific conditions. This licensing process is crucial for maintaining a controlled and professional broadcasting environment, as it ensures that only qualified entities can provide media content.³⁵

Programming Standards: The Code establishes guidelines regarding the quality and diversity of programming. It promotes a wide range of content types to cater to the varied interests of the audience while ensuring that programming maintains a standard that is both entertaining and educational.³⁶

Complaints and Sanctions: An essential component of NBC's role is to facilitate a robust mechanism for addressing viewer complaints. The Commission allows individuals to report any content they deem inappropriate.³⁷ In cases where broadcasters violate these standards, NBC has the authority to impose sanctions, which can range from fines to the suspension of broadcasting licenses.³⁸

Despite the apparent noble intentions behind the amendments to the NBC Act, several of its provisions have faced significant criticism from various stakeholders within the broadcasting sector. These critiques highlight several key concerns.

Firstly, there is a notable encroachment on the fundamental freedom of parties to enter into contractual agreements, which has raised alarms about the autonomy of broadcasters and content creators. Additionally, the amendments impose restrictions on licencees of the National Broadcasting Commission (NBC) and broadcasters, limiting their operational flexibility and potentially jeopardising their business models.³⁹

Moreover, the exclusivity granted over content raises important questions about the ownership and distribution of intellectual property rights, with many arguing that it undermines the rights of content creators. This situation may lead to stifling of creative innovation and expression, as the constraints imposed could hinder the ability of artists and producers to freely develop and share their works.⁴⁰ Overall, these criticisms reflect a broader concern that the amendments, while aiming to regulate and improve the broadcasting landscape, may inadvertently hinder the growth and sustainability of creative industries.

³⁴ See Chapter 3.0.1 of the NB Codes, 6th ed., 2016.

³⁵ See Chapter 2, *ibid.*

³⁶ See Chapter 1, *ibid.*

³⁷ See Chapter 1.4, *ibid.*

³⁸ See sections 13 (f) and 21 of the NBC Act 2004.

³⁹ A. Ijaodola, and I. Olawunmi, 'A Legal Analysis of the Amendments to the Sixth Edition of the Nigeria Broadcasting Code', <https://ssrn.com/abstract=3901868> accessed 26th January 2025.

⁴⁰ *Ibid.*

The authority vested in NBC is particularly relevant in the realm of reality television, where the potential for controversial content is high. The Commission actively reviews shows and has the power to sanction those that exhibit inappropriate behaviour or content, such as nudity, graphic violence, or other forms of offensive conduct. This oversight is vital in preserving ethical standards and cultural sensitivities, ensuring that while audiences are entertained, they are also protected from potentially harmful influences.

Through its rigorous adherence to the Broadcasting Code, NBC aims not only to regulate but also to enhance the quality of media content available to Nigerian viewers, balancing entertainment with societal responsibility.

3.2 The National Council for Arts and Culture Act 1975

The National Council for Arts and Culture Act 1975 serves as a foundational legal framework aimed at promoting and nurturing the rich tapestry of Nigerian arts and culture. While the Act does not directly address contemporary entertainment forms, such as reality television programmes like Big Brother Naija, it establishes a critical mandate for the Council which includes the authority to plan, coordinate, and encourage cultural activities across the nation.⁴¹

Given this broad and flexible mandate, the Council is positioned to regulate various forms of media content, ensuring that they adhere to cultural values and ethical standards that resonate with the Nigerian identity. This regulatory role could extend to assessing and guiding the portrayal of Nigerian culture in television shows, thereby fostering a media landscape that reflects and uplifts the nation's diverse cultural heritage while aligning with societal norms. Additionally, the Act opens the door for initiatives aimed at promoting understanding and appreciation of Nigerian culture through all available platforms, including digital media and television.

However, the National Council for Arts and Culture Act 1975 has faced substantial criticism due to several issues impacting its effectiveness in promoting and preserving Nigeria's arts and culture. Firstly, the Act's outdated provisions fail to address modern challenges such as globalisation and the influence of youth culture, undermining its ability to guide policy in today's context. Additionally, it lacks a framework for integrating technology and digital media, which are essential for promoting contemporary art and reaching broader audiences. Financial constraints further hinder the Council's operations, as inadequate funding leads to under-resourced initiatives aimed at fostering creativity and preserving cultural heritage. Moreover, the bureaucratic structure established by the Act results in prolonged decision-making processes, which can delay timely support for artists and organisations facing emerging challenges. Finally, critics highlight the inadequate representation within the Council, suggesting that its composition may skew towards certain ethnic or cultural groups, thereby sidelining the diverse voices that contribute to Nigeria's rich cultural tapestry.

⁴¹ See section 2 of the National Council for Arts and Culture Act of 1975.

The National Council for Art and Culture (NCAC) recently asked the National Assembly to give it legal power to stop nudity and the activities of crossdressers in the country. During a hearing by a special Committee of the House of Representatives,⁴² the Council explained that this legal framework would allow them to take action against the organisers of Big Brother Naija for the nudity shown on the programme⁴³ and to prosecute crossdressers in the country.⁴⁴

Legal Issues in Big Brother Naija

Big Brother Naija is the biggest reality show in Nigeria today. It is an interesting social experiment that shows how people react in a closed environment without outside influences. The show attracts fans of all ages across Africa. Producing such a show involves many complex factors. It has great potential and is a major part of reality television in Nigeria. The show broadcasts 24 hours a day, allowing viewers to see how people from different backgrounds interact. They create alliances, form relationships, and work together under pressure. Additionally, the show provides opportunities for many vendors and businesses across different fields.

Many people focus on the chance to become a millionaire, celebrity, or brand ambassador when thinking about joining a show like this, but they often overlook the legal issues involved. This type of show is a business, and the organisers are primarily concerned with profits, even as they entertain viewers. Reality TV involves many legal complexities, especially concerning the rights to the contestants' lives and actions. Producers must secure these rights because producing a show costs millions of Naira. They also need to protect their investments against the unpredictable nature of people's behaviour. To present the entertainment that the audience wants, contestants often have to give up many of their rights.⁴⁵

In a show like BBN, contestants must sign detailed agreements on various topics, including waivers and grants of rights with a view to avoiding potential lawsuits or scandals. These agreements bind both the producers and the contestants (housemates), ensuring everyone knows their responsibilities and limitations. We will now discuss some of the legal challenges that contestants may encounter.

When entering agreements for Big Brother Naija, it is important to consider major issues like confidentiality, privacy, intellectual property, publicity and rights, liability, and the responsibilities of contestants. Anyone thinking about

⁴²R. Ayodele, 'NCAC Seeks Legal Power to Sanction Big Brother Naija, Bobrisky', <https://dailypost.ng/2022/10/05/ncac-seeks-legal-power-to-sanction-big-brother-naija-bobrisky/?form=MG0AV3> accessed 12th December 2024.

⁴³ During the 2022 edition of the program.

⁴⁴The bill proposes that a person engaging in cross-dressing is guilty of an offence and liable to imprisonment of six months or a fine of five hundred thousand naira.

⁴⁵Y. Gbenga-Ogundare, 'Legal Complexities of a Reality Show Like Big Brother Nigeria', <https://tribuneonline.ng/legal-complexities-of-a-reality-show-like-big-brother-nigeria/> accessed 14th December 2024.

joining the show should understand these agreements and ensure their interests are protected before signing. Housemates must agree to be recorded 24/7, whether they are dressed, partially dressed, or naked. They also have to accept that the producers control all utilities in the house, including water. Contestants should be aware that personal, intimate, or embarrassing information may be shared publicly. Additionally, they give up certain rights, allowing producers to portray them in ways that might seem damaging, which could lead to public ridicule, humiliation, or condemnation.

4.1 Confidentiality Clause

The opening of a television show is a critical event that sets the stage for viewer engagement and anticipation. To build excitement around the contestants and the show itself, producers often tease potential audience members with intriguing hints and snippets of information. However, this carefully crafted suspense can be easily undermined if contestants prematurely disclose their participation in the show before its official premiere. To prevent such leaks and protect the integrity of the production, contestants are required to sign confidentiality or non-disclosure agreements.⁴⁶

These confidentiality agreements are extremely stringent, ensuring that all parties involved understand the gravity of maintaining secrecy regarding the show's details. Contestants are prohibited from revealing any information about their involvement, the show's format, or any behind-the-scenes happenings for a specified period, often extending for several years after the show concludes. The consequences of violating this agreement can be severe. Contestants who break the confidentiality clause risk being disqualified from the competition, which means they would be removed from the show entirely.⁴⁷ In addition to disqualification, they may also face significant financial repercussions rumoured to amount to millions of dollars. These penalties serve as a deterrent against the unauthorised sharing of sensitive information, reinforcing the importance of discretion and confidentiality in maintaining the show's allure and surprise for audiences.

Because of the stringent nature of these confidentiality clauses, there is often very little public information available about the contracts contestants sign or the inner workings of the production process. The show keeps a high level of secrecy to protect the contestants, the producers, and the show's success. This ensures that viewers can enjoy the experience without knowing the outcomes or the behind-the-scenes details in advance.

4.2 Publicity and Commercial Rights

The first category of rights that contestant's consent to involves publicity and commercial rights. By participating in the show, contestants acknowledge and agree that the producers are authorised to record and broadcast interviews that feature not only their names but also their appearances and likenesses, as well

⁴⁶T.J Eko, 'Big Brother Naija - A Legal Analysis', <https://themetrolawyers.com/big-brother-naija-a-legal-analysis/> accessed 19th November 2024.

⁴⁷*Ibid.*

as any photographs of them. This permission is granted for continual use, unrestricted by time or frequency, allowing the producers to air this content 24 hours a day, 7 days a week, without any limitation.

The significance of this agreement is that it establishes a solid legal framework for the producers to showcase the contestants and their stories in the show without the concern of facing lawsuits for not acquiring the necessary consent or permissions. This broad consent covers all forms of media, protecting the producers against potential legal repercussions regarding the dissemination of the contestants' images and identities.⁴⁸

In addition, contestants also agree that any intellectual property (IP) generated during their time in the house, whether it be through tasks, challenges, or spontaneous creative expressions, will be the rightful property of the producers. This agreement ensures that the organisers of the show hold the right to utilise and promote any material created by contestants throughout the show and beyond.⁴⁹

Furthermore, it is common for contestants to engage in various creative tasks as part of their daily or weekly responsibilities, which may include producing drama skits, writing songs, crafting artworks, and other forms of expression. Under the stated agreement, any such creations can be broadcast, advertised, publicised, promoted, or exploited perpetually, meaning the producers can use these materials indefinitely. This ensures that the producers maintain complete control over the commercial use of any content related to the show and its participants, allowing for ongoing marketing and promotional opportunities long after the show's completion.⁵⁰

4.3 Privacy Rights

Privacy is a fundamental human right recognised by many laws worldwide.⁵¹ When people join reality TV shows like "Big Brother Nigeria," they give up some of their privacy as part of the competition. By participating in BBN, contestants agree to let others film them, whether they are dressed, partially dressed, or naked, while they are awake or asleep. They also consent to wearing a microphone at all times. This element is crucial, as a reality show relies heavily on capturing the authentic, unscripted interactions and experiences of the contestants throughout their daily lives. Producers strive to create an environment where genuine emotions and spontaneous moments can be recorded, providing viewers with a compelling look into the contestants' journeys.

Contestants often face significant pressure to consent to participate in reality shows, largely due to the allure of fame and the potential for substantial prize

⁴⁸ See (n34) *supra*.

⁴⁹ *Ibid*.

⁵⁰ *Ibid*.

⁵¹ See Article 17 of the International Covenant on Civil and Political Rights (ICCPR) which states that "no one shall be subjected to arbitrary or unlawful interference with his privacy."

money. This pressure can create an environment where their consent may not be entirely voluntary, as the desire for recognition and financial gain can overshadow their ability to make informed decisions. Furthermore, the pervasive surveillance inherent to these shows can pose serious concerns regarding the contestants' privacy rights. Many may enter the competition without fully understanding the extent to which their personal lives will be exposed and scrutinised by both the production team and the viewing public. It becomes essential to navigate the delicate balance between respecting contestants' rights and ensuring that the show maintains its appeal and entertainment value. This requires careful consideration of ethical practices in the recruitment and treatment of contestants, as well as a robust framework for protecting their rights while still delivering engaging content for target audiences.

In addition to this, it is widely understood that contestants are required to undergo various medical screenings before participation. These tests typically include evaluations for infectious diseases such as COVID-19, tuberculosis, and sexually transmitted infections (STIs). Despite these health precautions, participants often accept the inherent risks associated with engaging in intimate relationships while on the show. This means that even after receiving negative test results, they may still face the possibility of exposure to conditions like HIV or other STDs, should they choose to be intimate with fellow contestants. This complexity adds a layer of tension and drama to the realities of life in a competitive and often high-stakes environment.⁵²

Contestants participating in the show are required to formally consent to waive any physician-patient privilege regarding their medical history and health conditions. This waiver includes all healthcare providers, therapists, and relevant professionals who may have access to the contestant's medical information. While it is improbable that the producers will utilise the healthcare data obtained during the show's production, having access to this information is deemed necessary for making informed decisions about a contestant's capacity to continue participating in the show. This policy ensures that the producers can assess any potential health risks that might arise during filming or competition, ultimately prioritising the safety and well-being of all contestants.⁵³

4.4 Liability Clause

Before entering the house, contestants agree to take on various physical, psychological, and emotional challenges both during their stay and after they leave. This agreement includes acknowledging that they will not hold the producers liable for any emotional distress, defamation, or other legal issues that might occur as a result of their participation. Contestants also understand that their behaviour and the behaviour of others could lead to public ridicule,

⁵² See (n34) supra.

⁵³ Some fans of BBN may recall that during the last season of the show in 2022, one of the contestants had to leave due to health issues. This unexpected decision was made to ensure the contestant's well-being and safety while participating in the competition.

humiliation, or condemnation, and they consent to the producers broadcasting these events.⁵⁴

This release from liability is crucial for the producers because reality shows are known to involve significant risks and potential legal repercussions. Research indicates that between 2010 and 2016, at least 38 contestants from various reality TV shows died by suicide, with many attributing this to the intense pressures and fallout faced after they participated in these shows.⁵⁵

By signing the contract, contestants acknowledge that they are aware of the risks involved in the dangerous activities they will undertake. They accept responsibility for any injuries that may occur during these activities and agree that they cannot sue the producers for injuries incurred while participating in the show. This understanding helps protect both the contestants and the producers while highlighting the seriousness of the mental and emotional challenges involved in reality television.

4.5 Data Protection and Security Issues

The data collected through the extensive surveillance in "Big Brother Nigeria" raises significant concerns regarding data protection and security practices. Throughout the show, contestants are constantly monitored, and their personal information ranging from biographical details to daily activities is recorded, processed, and shared with millions of viewers around the globe. This level of exposure creates a substantial risk that their sensitive information could be exploited or misused, resulting in serious reputational damage, emotional distress, or other adverse consequences for contestants, such as harassment or unwanted public attention.⁵⁶

In light of these concerns, regulations like the General Data Protection Regulation (GDPR) play a crucial role in advocating for strong data protection mechanisms. These regulations highlight the necessity for reality TV shows to adopt strict standards of responsible data handling. Producers must establish comprehensive protocols and safeguards to ensure that contestants' data is not only stored securely but also that access is strictly controlled. This includes implementing measures to prevent unauthorised access, preventing data sharing without explicit consent, and minimising the potential for data misuse. By prioritising these protective measures, shows like BBNaija can work to uphold the privacy rights of their contestants while still delivering entertaining content to audiences.

The **Nigeria Data Protection Act 2023** establishes a legal framework for regulating personal data in Nigeria. This Act aims to safeguard personal

⁵⁴E. Abiodun, 'Big Brother Naija: A Platform of Opportunities, Perils for Nigerian Youth', <https://nationaldailyng.com/big-brother-naija-a-platform-of-opportunities-perils-for-nigerian-youth/?form=MG0AV3> accessed 14th December 2024.

⁵⁵ Molly Longman, 'When Reality Contestants Die, Who Should We Blame?', <https://www.refinery29.com/en-us/2020/07/9826219/reality-tv-contestants-suicide-mental-health-problem> accessed 19th November 2024.

⁵⁶ See (n34) supra.

information, regulate data processing, and ensure that data controllers and processors fulfil their obligations to data subjects.⁵⁷ However, the constant surveillance in reality TV shows like BBNaija poses challenges in ensuring that contestants' data is adequately protected and their privacy rights are respected.

4.6 Obligatory Clause

All contestants entering the competition must first thoroughly read and understand the rule book provided to them prior to their entry into the house. It is crucial to note that while the rule book outlines the expected conduct and guidelines, it also clearly states that these rules are subject to change, modification, or amendment at any time, with or without prior notice. Contestants must acknowledge that there is a specific section within their contractual agreement that grants producers the authority to alter the rules and the structure of the game at their discretion. Furthermore, it is emphasised that the decisions made by the producers are final and binding.

The rule book serves as an essential framework akin to an employee Code of Conduct within a corporate environment. It delineates the specific behaviours that are deemed acceptable (the dos) and the unacceptable actions (the don'ts). Moreover, it outlines the disciplinary procedures that could lead to disqualification from the competition, which in this context is equivalent to being dismissed from participation. Contestants are expressly forbidden from engaging in any form of physical violence, non-consensual sexual conduct, inflammatory provocation, or intimidation through threats of physical harm. A notable instance of enforcement of this rule occurred during the current season of Big Brother Naija (BBN), where a contestant named Beauty was disqualified for violating these strict protocols.⁵⁸

In addition, contestants are contractually obligated to participate in interviews immediately following their eviction from the house. This requirement is non-negotiable, and they agree to be available for any promotional activities that the producers deem necessary to enhance the show's visibility and sponsorship opportunities. Such activities may include, but are not limited to, media rounds, guest appearances on talk shows, coverage in news outlets, participation in sponsor events, and involvement in the reunion show. Contestants should be aware that they are required to fulfil these obligations without any expectation of financial compensation; participation in these activities is a condition of their agreement to compete.

⁵⁷ KPMG, 'The Nigeria Data Protection Act 2023', <https://kpmg.com/ng/en/home/insights/2023/09/the-nigeria-data-protection-act-2023.html?form=MG0AV3> accessed 19th November 2024.

⁵⁸ Ripples Nigeria, 'Beauty Disqualified From Big Brother Naija For Misconduct', <https://www.ripplesnigeria.com/beauty-disqualified-from-big-brother-naija-for-misconduct/?form=MG0AV3> accessed 26th January 2025.

4.7 Intellectual Property Rights

The contestants of the show come to a mutual agreement regarding the ownership of any intellectual property (IP) generated during their stay in the house. Specifically, they consent that all IP created while participating in the program will belong to the producers. This includes materials that may be utilised for broadcasting, advertising, publicising, promoting, or any form of exploitation by the producers indefinitely, which means these rights persist without a time limit.⁵⁹

Throughout the competition, contestants are often tasked with creating various forms of content as part of their daily routines or during special events, such as dramatic skits, musical performances, artwork, and other creative projects. Typically, under standard circumstances, the rights to any IP resulting from these activities would remain with the individual contestants. However, before their entrance into the house, contestants are required to formally agree to transfer all rights associated with any IP they produce to the producers.

This arrangement is crucial for several reasons. First, it eliminates the potential for future disputes over IP ownership, a situation the producers actively aim to avoid. There is a significant concern that a contestant might later claim ownership over an intellectual work, such as a catchy jingle developed during a show task, leading to legal action against the producers—or their sponsors—for compensation or royalty payments.⁶⁰ By securing these rights upfront, the producers can maintain creative control and avoid any conflict that could arise from contestants asserting claims over works created during their time on the show.

Conclusion and Recommendations

This paper concludes that Big Brother Nigeria encapsulates a compelling intersection of entertainment, privacy considerations, and the nuances of consent in reality television. Like many others in its genre, this show thrives on a format that necessitates a significant degree of surveillance and public exposure of its contestants' lives. As viewers are drawn into the drama and dynamics of the house, it becomes imperative to prioritise the fundamental rights of the contestants who have chosen to participate in the show.

The current legal framework governing reality television often struggles to keep pace with the unique challenges and ethical dilemmas posed by such programmes. There is a pressing need for regulations that not only promote genuine informed consent but also ensure robust privacy protection and data security for contestants.

It is therefore recommended that participants should be fully educated about the implications of their involvement, ranging from the potential impact on their mental health to the long-term effects on their personal and professional lives.

⁵⁹ See (n37) supra.

⁶⁰ See (n37) supra.

Also, it is essential for the producers to actively engage with local content creators and cultural experts to address the indecent elements that occasionally manifest in the reality show. Collaborating with indigenous producers could lead to a more culturally sensitive representation and ensure that the content aligns with societal values. Addressing these concerns could ultimately enhance the show's integrity and make it a more constructive platform for its audience.

Furthermore, it is vital to establish clear protocols regarding the handling of personal data and how it is utilised during and after the show. As technology continues to advance and the landscape of entertainment evolves, finding a delicate equilibrium between fostering engaging content and upholding individual rights will be essential. Society must consider how reality television can move forward responsibly, ensuring that the entertainment value does not come at the expense of respect and dignity for the participants involved. Addressing these concerns will ultimately contribute to a more ethical approach to reality TV, benefiting both contestants and audiences alike.

Lastly, as BBNaija continues to progress, it is vital for all stakeholders to thoughtfully consider its implications and engage in meaningful societal discussions. By fostering reflective viewing and discourse surrounding BBNaija, we can leverage its potential to drive positive change and cultivate a more informed and empowered generation.⁶¹

⁶¹ Harbinger, 'Impacts of Big Brother Naija on Youths, Education, Society', <https://harbinger.com.ng/the-impact-of-big-brother-naija-on-youths-education-and-society/?form=MG0AV3> accessed 19th November 2024.