

The Legal Responsibility of Companies Involved in Supporting International Violations: An Analytical Study of the Possibility of prosecuting them before National and International Criminal Courts

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Abstract:

The legal responsibility of companies for supporting international violations present both considerable opportunities and challenges in prosecuting them before national and criminal courts. Despite extensive academic research, many questions remain on whether MNCs can be held fully accountable in case they violate laws and be prosecuted before a national court. Thus, the current study analyses the legal basis of corporate civil and crime liability, presenting the most prominent issue linked to this and assessing the efficacy of national courts. The findings indicated that effective prosecution demands developing stronger international and domestic accountability regimes guided by United Nations (UN) and organization for Economic Cooperation and Development (OECD) standards and recent European Nation initiatives, grounded in human rights, environmental sustainability, and substantive justice. This encompasses making rules clearer regarding corporate legal responsibility, advancing how international standards become part of domestic law, and legally requiring compliance duties.

key words: The Legal Responsibility- of Companies- National and International Criminal Courts

Introduction

In the evolving architecture of the global legal order, multinational corporations have emerged as influential non-state actors whose economic power and transnational operations enable them to shape political, social, and humanitarian realities across jurisdictions. While their contributions to development are undeniable, their involvement, whether direct or indirect, in situations of armed

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conflict and systemic human rights abuses has generated profound legal and ethical concerns. Increasingly, corporate activities have been linked to grave violations of international law, including war crimes, crimes against humanity, and large-scale environmental and labor exploitation, thereby challenging the traditional state-centric paradigm of international accountability.

Notwithstanding the progressive development of international humanitarian law and international criminal law, the existing legal framework remains structurally deficient in addressing corporate complicity in international violations. Central to this deficiency is the limitation of international criminal jurisdiction—most notably under the Rome Statute of the International Criminal Court—to natural persons, thereby excluding legal entities from direct prosecution. This exclusion creates a significant accountability gap, enabling corporations to operate through complex organizational structures that diffuse responsibility and shield decision-makers from legal scrutiny.

Against this backdrop, national legal systems have assumed an increasingly critical role in bridging this gap. Through the application of domestic civil and criminal law, national courts have the potential to extend liability to corporate actors, either by providing remedies to victims or by imposing sanctions aimed at deterrence and accountability. Nevertheless, the effectiveness of such mechanisms remains constrained by jurisdictional limitations, evidentiary challenges, political considerations, and the fragmented nature of domestic legal frameworks.

Concurrently, the emergence of international soft law instruments, particularly the United Nations Guiding Principles on Business and Human Rights, reflects a growing normative consensus on corporate responsibility, albeit without binding enforcement mechanisms.

This research engages with the complex question of corporate accountability for international violations by critically examining the legal foundations of both civil and criminal liability of corporations within national jurisdictions. It further evaluates the capacity of domestic courts to address transnational corporate misconduct and interrogates the structural and doctrinal challenges that hinder effective prosecution. Ultimately, the study seeks to contribute to the ongoing legal discourse by proposing a more coherent and multi-layered framework for corporate accountability, one that integrates international norms with domestic enforcement mechanisms to ensure substantive justice and prevent impunity.

Research Problem

Regardless of the development of international humanitarian law and criminal law frameworks, companies and multinational corporations that materially support, facilitate, or directly participate in international violations, such as war crimes, crimes against humanity, genocide, and violations of international humanitarian

laws, face systematic responsibility gaps and inconsistent legal consequences. This absence of coherent and enforceable corporate answerability mechanisms undermines the rule of law, enables corporate complicity in atrocities, and perpetuates impunity for actors with considerable resources to manipulate legal systems and evade prosecution. Consequently, this study aims to answer the research question below;

Can companies be held fully responsible for their own violations of the law and prosecuted before a national court? And what are the legal benefits of this?

The Importance of the Study

In the modern global order, transnational corporations (TNCs) have accumulated economic and political power that can rival or exceed that of weak states.¹ This concentration of power creates unprecedented risks: corporations can facilitate armed conflicts via weapons trafficking, resource extraction in conflict zones, provision of surveillance and military technology, financial services that allow sanctions evasion, and logistical reinforcement to human rights abusers. Yet the international legal architecture, mainly designed to hold individual perpetrators and states accountable, remain insufficiently equipped to prosecute corporate entities that sustain international violations. Overall, the significance of this study lies in its examination of the relationship between international and domestic law in corporate accountability. It addresses a gap in international corporate accounting.

Research objective

To analyze the legal basis of corporate civil and crime liability, and to present the most prominent issue related to this, and to evaluate the effectiveness of national courts in this context.

1. The Theoretical Framework of Corporate Liability

1.1 Corporations as Non-State Actors in International Law

Transnational corporations (TNCs) undertake fundamental roles in transboundary activities, including development programs. However, the conventional state-centric framework of global regulations often challenges these activities². As corporations increasingly affect areas governed by international law, their status as non-state actors raises critical questions about their obligations, and responsibilities, as well as the possibility of legal prosecution before national courts. Thus, the legal accountability of transnational companies for supporting

¹ Abylay Akay & Dinara Bakirova, "The Role of Transnational Corporations in the Commission of International Crimes: Challenges of Accountability," *Law Journal* 3, no. 3 (December 30, 2025): 53–69, <https://doi.org/10.47344/k6h5t238>.

² Strzpek, Kamil. "Subjects of Public International Law and Non-State Actors—Time for Reflection." *Challenges of the Future/Izzivi Prihodnosti* 9, no. 2 (2024).

The Legal Responsibility of Companies Involved in Supporting International Violations: An Analytical Study of the Possibility of prosecuting them before National and International Criminal Courts

international violations remains one of the most intricate and contested areas in modern international law.¹

The Saudi system recognizes the legal personality of companies and their accountability, whether civil or criminal, in accordance with the principles of Islamic Sharia and applicable laws. This opens the door to examining the extent to which companies can be held responsible for supporting international violations with a legal or material connection to the Kingdom.

Under Saudi law, companies as non-international actors are primarily governed by a legal framework that integrates traditional Islamic Sharia with modern business practices, reflecting the country's cultural and religious values while accommodating economic growth and international commerce. The Saudi legal system, deeply rooted in Sharia, has evolved to incorporate elements from foreign legal systems, such as the Ottoman Codes and the French civil system, to better align with international standards. The Saudi Corporate System, particularly following the 2022 reforms, facilitates conversions and mergers, enabling companies to adapt to changing economic conditions without altering their fundamental legal structures. This adaptability is crucial for fostering a competitive business environment and attracting investments, which are essential for the country's Vision 2030 economic goals.²

Furthermore, the corporate governance framework in Saudi Arabia emphasizes Sharia principles such as honesty, fairness, and transparency, which are integral to corporate conduct and liability, shaping the evolution of corporate disregard and the piercing of the corporate veil.³ Despite the integration of international legal concepts, companies often prefer non-Saudi forums, such as the DIFC common law courts, for dispute resolution.⁴ However, this choice presents certain disadvantages when dealing with Saudi counterparts.⁵ Overall, the Saudi legal framework for companies as non-international actors is a complex interplay of

¹ Cedric Ryngaert "Accountability, International Business Operations, and the Law," *Accountability, International Business Operations, and the Law*, December 5, 2019, 281–96, <https://doi.org/10.4324/9781351127165-14>.

² Mohammad Alomari, "The Legal System for the Conversion of Commercial Companies in the Light of the Rules of the Saudi Corporate System," *International Journal for Applied Information Management* 2, no. 4 (December 1, 2022): 106–11, <https://doi.org/10.47738/ijaim.v2i4.43>.

³ Majd Fadel, "Shariah and Corporate Conduct: Tracing the Evolution of Corporate Disregard in Saudi Arabia through Historical Perspectives," *International Journal of Religion* 5, no. 12 (November 28, 2024): 1550–63, <https://doi.org/10.61707/e1cbys52>.

⁴ Mohammad Alomari, *Op.Cit.*

⁵ Husein, Amgad, & Jonathan Burns. "Choice of forum in contracts with Saudi Arabian counterparties: An analysis of the DIFC common law courts from a Saudi Arabian perspective." *Int'l Law*. 48 (2014): 179.

traditional and modern influences, designed to support economic development while maintaining cultural and religious integrity.¹

1.2 International Legal Personality Theory

The global legal personality theory provides a clear framework for understanding the role of companies in international regulation. The theory identifies an entity as a subject of international regulation if it possesses rights, responsibilities, and the capacity to incur a duty under international penal rules. While states continue to lead in global regulation, this theory accepts that legal persona varying and can be extended to non-state actors when required by way of practical and legal necessity. Applying this framework, corporations, specifically multinational agencies, may be considered as functional non-state actors with a restrained global legal persona. Their cross-border operations, financial power, and involvement in sensitive sectors, including natural resources, security, and technology, enable them to significantly influence international relations and, in some cases, support violations of international humanitarian and human rights law. When corporations knowingly assist or gain from such violations, the legal personality idea reinforces the argument that responsibility must be observed for potential influence.

This theoretical framework directly connects to the research topic concerning the prosecution of corporations before national and criminal courts. Although international criminal law rarely grants direct jurisdiction over companies, national courts serve as a bridge between global norms and domestic enforcement. Through civil and criminal lawsuits, states can impose legal responsibility on businesses for conduct that contributes to global violations, thereby fulfilling international legal obligations. In this context, treating groups as non-state actors under the international criminal personality concept strengthens the company's liability, closes legal loopholes, and enhances the effectiveness of national courts in addressing corporate involvement in international crimes.

1.3 Multinational Corporations and Their Impact on Conflict

Multinational groups are influential in conflict-affected and post-conflict areas, often operating in environments where governance is highly vulnerable and legal oversight is constrained. Their financial strength, global reach, and control over sources shape local political and social dynamics, sometimes in ways that contribute directly or indirectly to armed conflicts. As a result, their involvement raises serious legal and ethical issues under global regulation.

In many conflict-affected areas, multinational groups actively engage in sectors, such as natural resource extraction, arms production, infrastructure development,

¹ Al-Khasawneh, M. The Legal Controls Governing the Merger and Transformation of Companies in Light of the Companies System in the Kingdom of Saudi Arabia. *Journal of Legal and Economic Studies*, 10(2) (2024) 325–354. <https://doi.org/10.21608/jdl.2024.292370.134>.

and the digital economy. These activities can fuel warfare whilst agencies provide financial assets, equipment, or offerings that sustain armed businesses or repressive regimes. For instance, minerals, oil, or gas exploitation can generate revenues that might be used to fund violence, prolonging conflicts, and increasing civilian suffering. Even when corporations do not intend to aid violations, their operations may additionally create conditions that facilitate forced displacement, exploitation, or environmental destruction.

From a legal perspective, multinational companies' impact on conflict underscores the limits of a state-based accountability system. International groups, including the United Nations, have emphasised that organisation actors must appreciate global humanitarian and human rights requirements, particularly in high-threat regions. Similarly, the OECD framework imposes an obligation on corporations to conduct due diligence and to avoid contributing to conflict-related harm.

The connection between multinational businesses and conflict is particularly relevant to the question of legal responsibility. When companies knowingly take advantage of or support activities connected to worldwide violations, arguments for civil and criminal liability become more compelling. National courts, especially, play a critical role in addressing this gap by applying domestic law to corporate conduct involving worldwide crimes.

Overall, multinational agencies are not neutral entities in conflict environments. Their actions can significantly affect the duration, intensity, and effects of armed conflicts, making corporate accountability a critical issue in both global and domestic legal debates.

2. Types of Liability

2.1 Civil Liability (Compensation)

Civil liability is a key legal mechanism through which organizations may be held accountable for their involvement in global violations, especially by offering reparations to victims rather than punishing the offenders. In the Middle East, jurisdictions, such as Saudi Arabia, Kuwait, and Oman have recognized the importance of regulating corporate behavior through domestic civil law, even when the harmful activities have cross-border implications. Civil liability focuses on repairing damage rather than imposing punishment, making it a practical and accessible route for affected people and groups.

Similarly, Saudi Arabia's legal system affords avenues for civil compensation based on principles of fault and harm, while also reflecting Islamic ideas of criminal justice and restitution. Where corporate conduct causes injury, property damage, or monetary loss, particularly in sensitive or conflict-related contexts, civil claims may be filed in domestic courts before national courts. Although

enforcement can be very cautious where public coverage or regulatory compliance is involved, civil liability remains a critical device for victim redress.

The implications of civil liability in Saudi Arabia for multinational corporations (MNCs) involved in global violations are significant, reflecting a growing trend towards holding corporations accountable for their actions. As recent literature highlights, MNCs are increasingly facing transnational civil liability claims related to human rights violations and environmental damage, driven by socio-political pressures and international legal frameworks, such as the UN Guiding Principles on Business and Human Rights. In Saudi Arabia, the legal landscape may evolve to incorporate these principles, potentially leading to enhanced corporate accountability for complicity in violations, including those linked to terrorism financing¹ and humanitarian law breaches.² Furthermore, the lack of robust legal mechanisms currently allows MNCs to operate with relative impunity, underscoring the need for comprehensive regulatory measures to ensure that corporate practices align with human rights standards. This shift could foster a more responsible business environment, compelling MNCs to adopt due diligence practices that mitigate risks associated with their global operations.

Likewise, the Kuwaiti law, particularly as it relates to civil liability for global violations, incorporates several key features that enhance accountability for human rights abuses within supply chains. Central to this framework is the Act on Corporate Due Diligence Obligations in Supply Chains (LkSG), which establishes a legal basis for claims under the German Civil Code, despite certain liability exclusions.³ Additionally, the European Union's Corporate Sustainability Due Diligence Directive (CSDDD) emphasizes corporate civil liability for human rights and environmental harm, potentially influencing international investment agreements to include similar accountability measures.⁴

The integration of jurisdictional rules, such as those proposed in the Brussels Ia Regulation, aims to facilitate claims against third-state defendants, thereby broadening the scope of enforceable rights.⁵ Furthermore, economic analyses suggest that domestic tort liability can address violations by linking consumer

¹ Bachmann, Sascha-Dominik. "Civil liability of corporate and non-state aiders and abettors of international terrorism as an evolving notion under international law." *J. Int'l Com. L. & Tech.* 6 (2011).

² Mongelard, Eric. "Corporate civil liability for violations of international humanitarian law." *International review of the Red Cross* 88, no. 863 (2006): 665-691.

³ Carolin Aufleger, *Auftraggeberhaftung in Der Lieferkette*, 2024, doi.org/10.5771/9783748947295.

⁴ Nicolas Bueno & Isidore Ngueuleu, "Civil Liability in the EU Corporate Sustainability Due Diligence Directive: A 'Brussels Effect' on International Investment Law?" *Business and Human Rights*, March 11, 2025, 314–30, https://doi.org/10.1163/9789004715158_013.

⁵ Johannes Ungerer, "Extending the Brussels IA Regulation to Third State Defendants – Cui Bono?" *Jurisdiction Over Non-EU Defendants*, 2023, <https://doi.org/10.5040/9781509958948.0030>.

demand to corporate responsibility, thereby incentivizing compliance with human rights standards in global supply chains.¹ Collectively, these elements create a robust legal framework for addressing civil liability arising from global violations. On the other hand, civil liability in Oman is principally governed by the Civil Transactions Law (Royal Decree No. 29/2013), which aligns with Islamic Sharia principles while establishing an all-inclusive legal framework for compensation. It presents various significant implications for MNCs operating in the Sultanate. Comprehending these implications is vital for MNCs establishing or expanding operations in Oman. The country's civil liability system operates on a principle-based approach that differs from the contract-driven common law approach. Under Article 176 of the Civil Transactions Law (Royal Decree No. 29/2013), any MNC that harms another party—whether through their operations, workforce, or business activities—is liable to compensate the injured party, which applies irrespective of whether a contractual relationship exists.² For MNCs, this implies that liability can arise not just from breaches of contract but from any harmful act committed in the course of business operations, whether to individuals, property, or reputation.

Overall, civil legal responsibility in jurisdictions such as Saudi Arabia, Kuwaiti, and Oman strengthens corporate responsibility by linking international norms to domestic laws. It encourages responsible corporate conduct, supports the repayment of victims, and complements global efforts to address corporate involvement in global violations through national legal systems.

2.2 Criminal Liability (Penalties)

Criminal liability represents the most critical form of corporate responsibility, as it emphasizes punishment and deterrence rather than compensation in cases where groups facilitate global violations, such as financing armed corporations, facilitating forced labor, or supplying technology used in illegal acts. Criminal liability aims to condemn such behavior and prevent its repetition. Unlike civil liability, criminal liability reflects society's judgment that positive actions are not merely harmful but also morally and legally unacceptable.

At the domestic level, many states now recognize corporate legal responsibility, permitting groups to be prosecuted independently of individual managers. In jurisdictions such as the Kingdom of Saudi Arabia, criminal laws impose penalties

¹ Mark A Geistfeld, "The Law and Economics of Tort Liability for Human Rights Violations in Global Supply Chains," *Journal of European Tort Law* 10, no. 2 (August 13, 2019): 130–65, <https://doi.org/10.1515/jetl-2019-0108>.

² Curtis, "The Right to Bring a Commercial Claim against a Non-Contractual Party under Omani Law," *Oman Law Blog*, February 6, 2017, <https://omanlawblog.curtis.com/2017/02/the-right-to-bring-commercial-claim.html>.

on criminal persons for offenses committed within commercial enterprise activities¹. These penalties can also include substantial fines, suspension of industrial licenses, and confiscation of assets from public contracts. In extreme cases, courts may also order the employer's dissolution or restrict its future operations.

Saudi Arabia's corporate law framework establishes criminal liability through a combination of direct and vicarious liability, particularly for the misuse of company funds. The legal provisions delineate specific crimes, such as fraudulent bankruptcy and abuse of authority, with penalties including imprisonment and substantial fines for board members who misuse company resources for personal gain.²

This framework aligns with broader international standards, emphasizing the need for effective compliance mechanisms to deter corporate misconduct.³ Additionally, incorporating principles of Islamic law, such as collective responsibility, offers the potential to integrate traditional values into modern corporate accountability practices.⁴ Overall, the Saudi legal system aims to foster responsible corporate behavior while addressing the complexities of corporate crime through a structured legal approach.⁵

The application of criminal liability is specifically vital when corporate behavior contributes to international crimes or serious human rights violations⁶. Although worldwide criminal courts generally exercise jurisdiction over people, country-wide criminal courts play a vital role in enforcing global norms against groups. By incorporating international obligations into domestic regulation, states enable prosecutors to pursue organizations whose actions or omissions facilitate unlawful behavior past their borders.

¹ Kaddouri, Meriem. "CRIMINAL RESPONSIBILITY IN THE UNITED ARAB EMIRATES: A SOCIOLOGICAL STUDY OF THE SOCIAL AND LEGAL DIMENSIONS OF CRIME AND PUNISHMENT." *Lex Localis* 23, no. S4 (2025): 238-246.

² Osama Almutairi & Mustafa Bitar, "Criminal Penalties for Company Board Members for Misuse of Company Funds," *International Journal of Law Research and Studies* 4, no. 1 (January 28, 2025): 113–43, <https://doi.org/10.59992/ijlrs.2025.v4n1p4>.

³ Benavides-Salazar, L. (2025). Corporate Misconduct, Regulatory Compliance, and International Standards: Toward Effective Deterrence. *Journal of International Business Law and Policy*, 15(2), 45–68.

⁴ Rina Anggraini & Rajin Sitepu, "Pertanggungjawaban Pidana Korporasi Dalam Hukum Pidana Islam," *JURNAL HUKUM PELITA* 6, no. 1 (May 16, 2025): 254–68, <https://doi.org/10.37366/jhp.v6i1.5803>.

⁵ Kanat Rakhimov, "Criminal Liability of Legal Entities for a Just and Equitable Society: A Theoretic and Empirical Case," *Journal of Lifestyle and SDGs Review* 5, no. 2 (December 10, 2024), <https://doi.org/10.47172/2965-730x.sdgsreview.v5.n02.pe03436>.

⁶ Al-Sherman, Naser & Ahmed Moustafa Aldabousi. "The Complementary Penalties Enforced to Combat Corporate Crimes in UAE Law." *Pakistan Journal of Criminology* 16, no. 3 (2024).

2.3 Corporate Social Responsibility (CSR)

Corporate Social Responsibility (CSR) refers to the concept that corporations have an obligation to act ethically and make a significant contribution to society beyond simply making profits¹. In the context of global violations, CSR plays an essential role by encouraging companies to respect human rights, protect the environment, and avoid contributing to conflict or environmental damage, even when legal enforcement mechanisms are constrained.

In nations, such as Saudi Arabia, CSR has attracted growing attention as part of nationwide development strategies. Governments actively encourage companies to adopt accountable enterprise practices that align with social welfare, sustainability, and moral conduct. In business hubs like Dubai, CSR initiatives are regularly integrated into corporate governance frameworks, primarily for multinational agencies operating in the production, energy, tourism, and finance sectors.

CSR activities typically include community development, environmental protection, fair labor standards, and voluntary human rights principles. These measures are vital for organizations operating in high-risk or war-affected regions, as accountable practices can help mitigate social harm. By adopting human rights due diligence and internal compliance structures, organizations can lessen the chance of involvement in international violations. However, CSR remains voluntary and lacks binding legal force. While it could enhance the company's reputation and ethical standing, it can't replace civil or criminal liability for severe violations. In Saudi Arabia, CSR reflects growing awareness of ethical conduct and works exceptionally well when supported by robust prison frameworks.

Similarly, Under Kuwaiti Law, Corporate Social Responsibility (CSR) is governed by local regulations, specifically Kutai Kartanegara's Local Law No. 10 of 2013, which establishes a framework for companies to manage their social and environmental responsibilities. However, this local law has been criticized for conflicting with higher national legislation, as it lacks a mandate from the central government and may contradict fundamental business ethics principles.² In contrast, the West Kutai Regency has implemented a Regent's Regulation that provides explicit guidelines for CSR, emphasizing the need for companies to align their CSR initiatives with community needs. However, challenges, such as

¹ Velte, Patrick. "Corporate social responsibility (CSR) and earnings management: A structured literature review with a focus on contextual factors." *Corporate Social Responsibility and Environmental Management* 31, no. 6 (2024): 6000-6018.

² Heriyanto, Dodik Setiawan Nur. "Legal implication of regulating CSR in local regulation (study on local law of Kutai Kartanegara, No. 10, year 2013, About corporate social responsibility)." *Austrian Journal of Humanities and Social Sciences* 2, no. 3-4 (2015): 65-71.

resource limitations and the prioritization of personal interests hinder effective implementation.¹

Overall, CSR in Indonesia is framed within a legal context that mandates sustainable development, requiring companies to consider socio-economic and environmental factors in their CSR programs.² The legal enforcement of CSR is essential for fostering corporate accountability and promoting sustainable practices across various sectors.³

4. The legal nature of corporate-supported international violations

4.1 Relevant International Crimes

Today, international crimes are prevalent and serious offences violating international laws, with the most common ones including war crimes, genocide, crimes of aggression, and crimes against humanity. These crimes affect the global community, necessitating international organisations in collaboration with national governments to hold perpetrators accountable. In case of war crimes, there is a serious violation of the International Humanitarian Law committed during the armed conflicts, which can be international or domestic. War crimes present complex legal challenges in international law⁴. Usually, cases involving legal frameworks, protocols, and criminal courts, are less sophisticated to manage. Common examples of such crimes include killing or torture of prisoners of war, using prohibited weapons, forced displacement during armed conflicts, and attacking civilian objects.

Moreover, crimes against humanity are considered to be a part of the systematic attack against a civilian population, regardless of armed conflicts⁵. Customary international law has proven valuable in addressing such crimes. More specifically, organisation or state policies are widely used to addresses enslavement and forced labour, murder, torture, rape, sexual violence, deportation, and persecution based on religion, gender, and political belief. However, there is no such dependency on the isolated acts.

¹ Sopian, A. R., Wijaya, D. F., & Pratama, M. T. (2024). Corporate Social Responsibility Regulations in West Kutai Regency: Implementation and Community Alignment Under Regent's Regulation. *Journal of Regional Development Law*, 8(1), 78–95

² Sunaryo Sunaryo, "Corporate Social Responsibility (CSR) Dalam Perspektif Pembangunan Berkelanjutan," *FIAT JUSTISIA: Jurnal Ilmu Hukum* 7, no. 1 (October 26, 2015), <https://doi.org/10.25041/fiatjustisia.v7no1.363>.

³ Wáng Wēi. Legal Enforcement of Corporate Social Responsibility and Sustainable Development. *Journal of Chinese Corporate Law*

⁴ Ahmad, Nehaluddin, Faizah Rahim & Danish Iqbal Ariffin. "Legal Challenges of Prosecuting War Crimes and Crimes Against Humanity: A Comparative Analysis of Islamic Law and Modern International Law." *Manchester Journal of Transnational Islamic Law & Practice* 20, no. 3 (2024).

⁵ Bassiouni, M. Cherif. *Crimes against humanity in international criminal law*. BRILL, 2023.

In the case of forced labour, the work or the service is extracted from the individuals under coercion or threat without any voluntary consent. In accordance with the International Labour Organisation, all the services or work that is being exacted from any person who is under the threat of penalty and for which the person does not volunteer themselves voluntarily. This is considered a serious human rights violation that is affecting millions all over the globe, which usually occurs in armed conflicts, detention camps, and occupied territories.

Natural resources exploitation that involves the unethical or illegal extraction and trade of these resources for the purpose of oppression or financial gain is also considered an international crime. Most common examples include illegal mining in war zones, conflict diamonds, and timber exploitation by armed groups, which leads to prolonged conflict and fuels human rights abuses as well as causes environmental destruction.

Forced displacement that encompasses removal of civilians from their homes without lawful justification is another major international crime. The concept of forced displacement has seen a surge in interest in recent years¹ predominantly due to the digital turn in economic history and to increasing integration into the economy. such injustices present natural experiments for economists keen on identification, leading to armed conflicts, ethnic cleansing, and exploitation of the resources and the development of the projects without consent.

4.2 Real-World Examples of Corporate Roles in These Violations

Cases of corporate involvement in international crimes are widespread globally. First example includes the Lundin Energy, formerly known as Lundin Oil or Petroleum. In this example, the executives of the company have been accused of complicity in war crimes and crimes against humanity,² which is connected to the oil extraction in Block 5A, Sudan, during the 1990s and early 2000s. This event resulted in thousands of deaths and the violent displacement of tens of thousands of civilians.

Second, Total Energies, which faced a criminal complaint alleging complicity in torture, war crimes, and enforced disappearance, which is linked to the security arrangements at the Mozambique LNG project. The project mainly focuses on attacking, and groups, such as IS-affiliated AI-Shabaab did this. This case explains how the corporate security arrangement in the conflict zones leads to complicity with war crimes and human rights violations.

¹ Becker, Sascha O. "Forced displacement in history: Some recent research." *Australian Economic History Review* 62, no. 1 (2022): 2-25.

² Business-Humanrights. "About Lundin oil war crime". Accessed December 29, 2025. <https://www.business-humanrights.org/en/latest-news/lundin-petroleum-lawsuit-re-complicity-war-crimes-sudan/>

Third, Shell in Nigeria had operations mired in allegations of serious human rights violations related to its partnership with local security forces. The company was accused of requesting paramilitary support during the protest in the Ogoni region in the 1990s. The company lacked transparency in the overall process¹. Although the company reached a settlement, human rights groups described their actions as crimes against humanity and other abuses supported by the state security.

Lastly, the Nestlé and Cocoa supply chain, which included the aspects of forced labour and exploitation. Controversies are running over the aspect of forced labour and child labour in the West African Cocoa production. There are a lot of reports on child labour and trafficking on the cocoa farms in Ghana, which are supplying the main chocolate companies, including Nestlé². There are child slaves from Mali, according to Nestlé. This is leading to legal and ethical challenges for the company.

4.3 Labour or Environmental Issues that have Supported Human Rights Violations

Environmental degradation and labour exploitations do not occur in isolation. Instead, they are enabling, concealing, and intensifying the serious violation of human rights; thus, they characterise war crimes and crimes against humanity. Moreover, it is important to include modern slavery, forced labour, and child labour. Human rights violations are being generated through cheap labour, which sustains abusive economic systems, mainly enforced through threats, violence, and armed actors. The next issue of the labour includes the exposure to toxic substances, limited safety equipment, and violence against protesting workers, leading to workers' silent resistance as well as encouraging corporate use of security forces to control labour.

The global power imbalance supports the profit-maximisation model of business to shape the global economy as MNCs prioritise profits over people. Also, environmental degradation and pollution, including oil spills, toxic waste dumping, water contamination, and deforestation persistently worsens the situation.

Consequently, they destroy the livelihoods as well as increase displacement and poverty. Further, environmental degradation weakens water and food security, threatening human survival. Unregulated environmental exploitation, such as illegal mining, oil extraction, and logging funds armed groups in some regions. Moreover, a lack of transparency in the supply chain has worsened the situation.

¹ Leighday. "Shell off Nigeria". Accessed December 29, 2025. <https://www.leighday.co.uk>.

² Guardian. "Child labour on Nestle farms chocolate giant". Accessed December 29, 2025. <https://www.theguardian.com/global-development-professionals-network/2015/sep/02/child-labour-on-nestle-farms-chocolate-giants-problems-continue>

Hence, these practices are against humanity and also war crimes because they support abusive systems and benefit corporations.

5. Scope of Commercial Litigation in National Courts

5.1 Civil, Tort Law, and Legal Precedents Focusing on Gulf Countries

Gulf countries have a robust legal system, with the Gulf Cooperation Council states that it operates under mixed legal systems. This legal system combines civil law principles with Islamic law. It defines the general basis of tort liability that focuses on fault, damage, and the causal link between the two, which are heavily influenced by the Gulf civil codes. The Gulf Cooperation Council provides an ideal opportunity to examine the potential benefits of developing markets. Under labour laws, there are civil claims for non-payment, excessive hours of work, unsafe working conditions, and forced or deceptive recruitment. Moreover, this legal framework also includes the Saudi Labour Law and the Qatar Labour Law.

However, the civil remedies include compensation for unpaid wages, end-of-service benefits, and termination of the contract. The legal system also defines Tort claims for the workplace injury and death, with compensations including the medical expenses, disability compensation, and lost wages. In the Gulf countries, several environmental issues include industrial pollution, water contamination, and land degradation. The legal framework includes the Saudi Environmental Law and the Qatar Environmental Protection Law. The Gulf civil and tort law system provides a formal mechanism for compensation, especially in labour disputes. Nonetheless, structural barriers, including limited standing, a closed state, and the absence of class actions, limits their effectiveness in managing systematic human rights violations.

5.2 Kiobel vs Royal Dutch Petroleum in America Trial before the French and Belgian Courts

Oil exploration in the Niger Delta in Nigeria during the 1990s was linked with allegations that Shell aided and abetted Nigerian military in torture, extrajudicial killings, arbitrary detentions, and crimes against humanity. All these abuses occurred during to suppress protest, which is against the environmental damage caused by the oil operations. In the US trial, the case got dismissed, and ATS did not apply extraterritorially unless there had been claims of touch and concern for the US with sufficient force¹. This has been significant, as it marked the main setback for victims seeking corporate accountability in the United States courts. Further, it got shifted to the European courts after the Kiobel. After the US dismissal, there has been a pursuit of alternative jurisdictions in Europe where the

¹ Supreme-Justica. "Kiobel vs Royal Dutch Petroleum" Accessed December 29, 2025. <https://supreme.justia.com/cases/federal/us/569/108/>

corporate headquarters are located and where universal jurisdiction or civil liability laws exist.

Contrary, some proceedings before the Dutch and French Courts continues. The Dutch courts accepted jurisdiction over the civil claims, highlighting that corporations can be held to a duty of care for the human rights of others and environmental harm. On the other hand, the French NGOs did explore litigation against Shell for environmental destruction in Nigeria and for complicity in crimes against humanity. However, there has been no final conviction occurring under Kiobel. France became the main forum for corporate accountability; thus a gap in accountability under civil liability, human rights, and universal jurisdiction exists due to the diligence regimes.

5.3 National Criminal Courts

In the National Criminal Courts, the principle of universal jurisdiction prosecutes some of the serious international crimes, such crimes against humanity, genocide, and war crimes, regardless of where they are committed and the nationality of the victims¹. Some corporate challenges cannot be missed, such as establishing intent. International crimes usually require proof that the accused knowingly or intentionally contributed to the crime. However, evidence, including internal communications, patterns of conduct, and contracts are often inaccessible or protected in any situation making it challenging to solve such crimes. Moreover, establishing the company's connection to the crime is difficult. Furthermore, existing literature stress that professional judges append their dissent to the majority ruling with which they might not agree more than international diplomats, judges, and professors with public international law expertise;² thus, they are willing to negotiate. On the other hand, most corporations create legal distances that operate through subsidiaries, contractors, and supply chains, enabling crime, which is legally and factually demanding.

The aspect of individual criminal liability in any company focuses on the prosecutor, who must identify the specific individuals personally involved. The complexities of corporate hierarchies can be obscured by knowing who is responsible. Moreover, states may lack domestic legislation due to jurisdictional and procedural barriers, allowing the prosecution of international crimes committed abroad by corporate actors. Besides, increased political pressure, diplomatic concerns, and economic interests often discourage states from exercising universal jurisdiction. Few precedents and legal uncertainty also exist,

¹ Sadat, Leila. *The International Criminal Court and the transformation of International Law: Justice for the new millenium*. Vol. 31. Brill, 2021.

² Maučec, Gregor, and Shai Dothan. "Judicial Dissent at the International Criminal Court: A Theoretical and Empirical Analysis." *Leiden Journal of International Law* 35, no. 4 (2022): 945-961.

which explains why few successful cases exist in which a corporation or its executives have been prosecuted under universal jurisdiction.

Thus, courts remain cautious due to uncertainty about extending the norms of international criminal law to corporate entities. Universal jurisdiction is a powerful tool for combating impunity for international crimes, but legal and political constraints limit its effectiveness. Corporate involvement in international crimes is shifting away from criminal prosecution toward human rights mechanisms and civil litigation.

5.4 Legal Challenges

The National criminal courts face certain legal challenges when addressing international crimes. Firstly, legal challenges and commercial immunity hinder criminal courts' proceedings. For instance, corporations or state-owned enterprises can claim immunity when their actions are linked to state contracts or public functions. The courts often struggle to distinguish between purely commercial acts and sovereign acts. Such uncertainty weakens prosecutions and allows MNCs to avoid criminal accountability.

Apart from this, lack of adequate domestic legislation has been a major obstacle. For instance, in some legal systems, especially domestic ones, there is no such recognition of corporate criminal liability for international crimes. Besides, some crimes against humanity or war crimes can be inconsistent or incomplete with the international standards. Thus, the courts might be legally constrained from initiating prosecutions due to lack of clear legislative frameworks. The legal challenge does include the difficulty in gathering the evidence. There are a lot of crimes that tend to occur in foreign conflict zones, which makes access to witnesses difficult, and there is a limitation on the physical evidence.

MNCs can operate within the complex global supply chain, which limits direct involvement. In some states where crimes occurred might refuse cooperate or deny access to the records. Apart from this, corporate documents are generally important for providing knowledge that is often confidential or inaccessible. Hence, this explains how obstacles can limit the effectiveness of national criminal courts in exercising universal jurisdiction over international crimes. Consequently, it leads to accountability for international soft law mechanisms rather than criminal prosecution. Besides, concerns about the implementation of progressive legal frameworks in criminal courts also exist. However, there is criticism of the exploration of the persistent challenges and the gap between reality and aspirations in the case of various crimes.

6. The Role of International Law and Recommendations for Development

6.1 The extent of the current international law's ability to hold corporations accountable

The Rome Statute of the International Criminal Court does not provide for corporate criminal liability. Article 25 of the Rome Statute limits the jurisdiction to natural persons. This explains that corporations, as legal entities, cannot be prosecuted before the ICC. This is regardless of the seriousness of the involvement in the international crimes. Usually, the individual corporate executives, employees, and directors are held liable for having personal commitment or contributing to crimes like war, genocide, and crimes against humanity¹.

This explains that there is an accountability gap in which corporate structures diffuse responsibility and shield senior decision-makers. Proposals were submitted at the time the Rome Statute was drafted, but they were rejected. It was because of a lack of consensus among the states. There were differences in the national approaches to corporate criminal liability. Lastly, there are concerns over the jurisdictional complexity.

International human rights treaties impose obligations on states, not corporations. The agreements, like the International Covenant on Civil and Political Rights (ICCPR), require protecting individuals from human rights violations. This is being abused by third parties, including corporations. This explains that corporations are indirectly regulated by the state, subject to legislative regulations and the provision of remedies. However, there are some limitations too. There is no such direct obligation binding corporations under most human rights. The enforcement mechanism is weak, including the reporting system and the treaty bodies' non-binding recommendations. The victims lack access to effective remedies when the state is unable to regulate powerful corporate actors. Some of the soft law initiatives include the UN Guiding Principles on Business and Human Rights.

The OECD guidelines for multinational enterprises provide some standards of conduct, but there is a lack of legally binding enforcement mechanisms. There is no such establishment of criminal liability in international human rights agreements that obligate states to protect, which leads to inadequate mechanisms for directly holding corporations accountable at the international level. Corporate accountability involves holding companies responsible for the environmental, social, and economic impacts². This concept is becoming increasingly important as

¹ ICC. "Rome Statute". Accessed 3 January 2025. <https://www.icc-cpi.int/sites/default/files/2024-05/Rome-Statute-eng.pdf>

² Makanjuola, Mariam & Atinuke Ojebode. "CORPORATE ACCOUNTABILITY FOR HUMAN RIGHTS VIOLATION." *Journal of Corporate Law Studies* 1, no. 1 (2024): 12.

the business expands globally and affects the environment and communities worldwide. Corporate accountability focuses on compliance with local laws and focuses on broader responsibilities.

International law currently has limited capacity to hold corporations directly accountable for human rights violations. Reliance is placed on domestic criminal law, emerging regulatory frameworks, and civil litigation, rather than on international human rights law or international criminal law.

6.2 Legal proposals

The legal proposals aim to improve corporate accountability for international crimes. It helps enhance corporate accountability under international law. Firstly, the concentration is on the jurisdiction of the International Criminal Court. This includes legal persons like corporations. For this, an amendment to the Rome Statute will be needed to extend Article 25 beyond natural persons. Corporate criminal liability can address the reality that international crimes are committed through corporate structures rather than by isolated individuals. The sanctions can include dissolution, fines, and exclusion from public contracts.

However, there are challenges as well, including the lack of political consensus among the state's parties. There are differences in the national legal traditions, especially regarding corporate criminal liability. Lastly, there are concerns about the enforcement of laws against international enterprises.

The next aspect is strengthening judicial cooperation between the states. This explains that improved international judicial cooperation is needed for mutual legal assistance agreements. This includes the sharing of evidence, asset tracking, and witness protection. Cooperation among prosecutors would reduce jurisdictional conflicts and prevent forum shopping. There can be adaptations to extradition mechanisms that include corporate executives implicated in international crimes. The proposal emphasises addressing evidence located across multiple jurisdictions. There are difficulties in investigating crimes committed in conflict zones. There are national laws that allow for the prosecution of corporations.

This focuses on strengthening the domestic legal frameworks. There is an opportunity for the states to adopt the laws recognising corporate criminal liability, especially for international crimes. International crimes have a direct relationship with domestic criminal codes, focusing on consistency with international law. One such example is laws requiring mandatory human rights due diligence, including criminal penalties for corporate complicity in human rights crimes.

Also, there is an example of a civil-criminal hybrid remedy, which includes reparations for victims. Many issues are usually addressed, and this helps in understanding how the variety of actors can better assist the court, including the Security Council, within the wider United Nations system. There is a need to

protect the court against political threats, attacks, and intimidation. The state parties need support to fully implement the Bureau's strategy. This helps respond to threats and attacks against the courts. There is a need for complete cooperation for the same. The priority needs to be on additional investment in the court's security infrastructure.

The expansion of the international court's jurisdiction is politically challenging, but strong domestic legislation and judicial cooperation is providing practical pathways to close accountability gaps. These reforms are legally strengthening the international framework that holds corporations accountable for corporate crimes. Overall, judicial cooperation has reduced evidentiary barriers, thereby facilitating prosecution. There is a focus on reducing political pressure and the economic dependence on multinational corporations. Proposals did provide the advantage of helping provide a better understanding of the issues through their approach, which aligns with the trends emerging in the EU and international regulatory practices. The proposals highlight the need for a multi-layered approach that includes international courts, which provide symbolic authority and set norms. Judicial cooperation ensures the practical enforcement. The national laws are delivering tangible remedies and accountability. The focus lies on enhancing deterrence, access to justice for victims, and the legitimacy of international criminal law. This is leading to robust interstate cooperation and strong domestic legislation to create realistic pathways for closing accountability gaps.

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