CORPORATE SOCIAL RESPONSIBILITY AND ITS LEGAL REGULATION IN THE FIELD OF SUSTAINABLE DEVELOPMENT

Nataeva Zalina[1] Mitrofanov Sergey[2]

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[1]Kadyrov Chechen State University, Grozny, Russia
[2]Institute of Agrarian Research, High School of Economics, Moscow, Russia

animula_88@mail.ru

Abstract

Corporate Social Responsibility (CSR) has emerged as a pivotal concept in the global discourse on sustainable development, reflecting the evolving role of businesses in addressing environmental, social, and economic challenges. As corporations increasingly recognize their impact on society and the planet, CSR has transitioned from a voluntary ethical commitment to a subject of legal regulation and policy intervention. This paper examines the intersection of CSR and sustainable development, focusing on the growing trend of legal frameworks that institutionalize corporate responsibility across jurisdictions. The study explores the conceptual foundations of CSR and its integration into the United Nations Sustainable Development Goals (SDGs), emphasizing how responsible business practices contribute to long-term environmental stewardship, social equity, and economic resilience. It analyzes the spectrum of legal approaches to CSR, ranging from mandatory disclosure requirements and environmental regulations to human rights due diligence laws and corporate governance reforms. Examples from the European Union, the United States, India, and other regions illustrate the diversity and convergence in regulatory models. Furthermore, the paper addresses challenges in enforcement, corporate accountability, and the balance between regulatory compliance and genuine sustainability commitments. It argues that effective legal regulation of CSR must be accompanied by transparency, stakeholder engagement, and robust monitoring mechanisms to prevent "greenwashing" and ensure substantive contributions to sustainable development.

Keywords: Corporate Social Responsibility (CSR), Sustainable Development, Legal Regulation, Environmental Governance, Human Rights Due Diligence.

I. Introduction

In an era marked by climate change, social inequality, and growing public scrutiny, the role of corporations extends far beyond profit generation. Corporate Social Responsibility (CSR) has evolved from a peripheral philanthropic activity into a central component of corporate strategy and governance, closely intertwined with the global agenda for sustainable development. Defined as the commitment of businesses to contribute to sustainable economic development while improving the quality of life of the workforce, their families, the local community, and society at large, CSR reflects a paradigm shift in how companies perceive their responsibilities toward stakeholders and the environment.

The 2030 Agenda for Sustainable Development, adopted by the United Nations in 2015, underscores the critical role of the private sector in achieving the 17 Sustainable Development Goals (SDGs). From eradicating poverty and ensuring decent work to combating climate change and promoting responsible consumption, businesses are increasingly expected to align their operations with these global objectives. This expectation has prompted a transformation in the legal and regulatory landscape, where CSR is no longer solely a matter of voluntary corporate ethics but is being codified into law through national and international frameworks.

Legal regulation of CSR has gained momentum in recent years, with governments and supranational bodies introducing mandatory reporting standards, environmental regulations, human rights due diligence requirements, and corporate governance reforms. The European Union’s Corporate Sustainability Reporting Directive (CSRD), the French Duty of Care Law (Loi de Vigilance), India’s mandatory CSR spending under the Companies Act, and the OECD Guidelines for Multinational Enterprises exemplify this trend toward institutionalizing corporate responsibility.

However, the integration of CSR into legal frameworks raises complex questions about enforcement, accountability, and the balance between regulatory intervention and corporate autonomy. While legislation can enhance transparency and deter harmful practices, it also risks encouraging minimal compliance or symbolic actions—commonly referred to as "greenwashing"—without driving real change.

This paper aims to examine the evolving relationship between CSR and sustainable development through the lens of legal regulation. It explores how laws and policies are shaping corporate behavior, evaluates the effectiveness of current regulatory models, and identifies challenges and opportunities in aligning legal mandates with genuine sustainability outcomes. By analyzing diverse jurisdictional approaches and their implications, the study contributes to the ongoing debate on how legal systems can effectively support responsible business practices in pursuit of a more equitable and sustainable future.

II. Methods

This study employs a qualitative and doctrinal research methodology to analyze the legal regulation of Corporate Social Responsibility (CSR) in the context of sustainable development. The research is primarily based on a comprehensive review and critical analysis of legal texts, policy documents, academic literature, international guidelines, and case studies from various jurisdictions.

The methodological framework consists of the following components:

1. Doctrinal Legal Research: This involves a systematic examination of national and international legal instruments that regulate CSR, including statutes, regulations, judicial decisions, and soft law instruments. Key legal frameworks analyzed include the European Union’s Corporate Sustainability Reporting Directive (CSRD), the French *Loi de Vigilance*, India’s Companies Act (Section 135), the UK Modern Slavery Act, and the OECD Guidelines for Multinational Enterprises. This approach enables

an in-depth understanding of how CSR principles are codified, interpreted, and enforced across different legal systems.

2. Comparative Legal Analysis: A comparative approach is adopted to evaluate the similarities, differences, and convergence in CSR regulation across selected jurisdictions—namely the European Union, the United States, India, and other OECD countries. This comparative perspective highlights diverse regulatory models (e.g., mandatory vs. voluntary, principle-based vs. rule-based) and their implications for corporate accountability and sustainability outcomes.
3. Thematic Literature Review: A broad review of scholarly publications, reports from international organizations (e.g., United Nations, ILO, World Bank), and sustainability indices (e.g., GRI, SASB, ESG ratings) is conducted to identify key themes, debates, and emerging trends in CSR and sustainable development. This helps contextualize legal developments within broader socio-economic and environmental discourses.
4. Case Study Analysis: Illustrative case studies of corporate practices and regulatory enforcement—both successful and problematic—are examined to assess the real-world impact of CSR legislation. Examples include corporate responses to environmental liabilities, supply chain due diligence, and instances of greenwashing or non-compliance.
5. Normative and Critical Evaluation: Beyond descriptive analysis, the research engages in normative reasoning to evaluate the effectiveness, legitimacy, and ethical foundations of current regulatory approaches. It critically assesses challenges such as regulatory fragmentation, enforcement gaps, corporate resistance, and the risk of symbolic compliance.

By integrating these methods, the study aims to provide a holistic and interdisciplinary understanding of how legal regulation shapes CSR practices and contributes to the achievement of sustainable development goals. The findings are synthesized to offer policy recommendations for strengthening the legal framework governing corporate responsibility in a globalized economy.

III. Results

The analysis of legal frameworks and corporate practices reveals several key findings regarding the role and effectiveness of legal regulation in advancing Corporate Social Responsibility (CSR) within the context of sustainable development.

- Growing Trend Toward Mandatory CSR Regulation

A significant shift has occurred from voluntary CSR initiatives to legally binding obligations in many jurisdictions. The European Union leads this trend with the Corporate Sustainability Reporting Directive (CSRD), which mandates comprehensive sustainability disclosures for large and listed companies, ensuring greater transparency and accountability. Similarly, France's Loi de Vigilance imposes a legal duty on multinational enterprises to establish and implement vigilance plans to prevent human rights and environmental harms in their operations and supply chains. These developments indicate a move toward embedding CSR into corporate legal duties rather than treating it as a discretionary ethical choice.

- Diverse Regulatory Models Across Jurisdictions

Comparative analysis highlights a spectrum of regulatory approaches:

Mandatory Spending (India): Section 135 of the Indian Companies Act requires companies above a certain profitability threshold to spend at least 2% of their average net profits on CSR activities. While this has increased CSR funding, challenges remain in monitoring impact and ensuring alignment with sustainable development goals.

Disclosure-Based Regulation (EU, USA): The EU's CSRD and the U.S. Securities and Exchange Commission's proposed climate disclosure rules emphasize transparency, enabling investors and stakeholders to assess corporate sustainability performance. However, without enforceable standards for action, disclosure alone may not drive substantive change.

Due Diligence Frameworks (France, Germany, Norway): Emerging mandatory human rights and environmental due diligence laws require companies to identify, prevent, and mitigate adverse impacts throughout their value chains. These represent a proactive, preventative model of CSR regulation.

- Integration with Sustainable Development Goals (SDGs)

Legal CSR frameworks are increasingly aligned with the UN SDGs. National policies and corporate reporting standards (e.g., GRI, ISSB) encourage companies to map their CSR activities to specific SDGs, enhancing coherence between business strategies and global sustainability targets. This linkage fosters accountability and enables measurable contributions to goals such as climate action (SDG 13), decent work (SDG 8), and responsible consumption (SDG 12).

- Persistent Challenges in Enforcement and Compliance

Despite regulatory advances, enforcement remains inconsistent. In many countries, oversight mechanisms are under-resourced, and penalties for non-compliance are insufficient to deter malpractice. For example, while India mandates CSR spending, there is limited follow-up on project outcomes, leading to concerns about tokenism and misallocation of funds. Similarly, greenwashing—where companies exaggerate or falsify their sustainability efforts—persists due to weak verification processes and ambiguous reporting standards.

- Rise of Stakeholder Engagement and Multi-Actor Governance

Effective CSR regulation increasingly involves collaboration among governments, businesses, civil society, and international organizations. The OECD Guidelines and the UN Guiding Principles on Business and Human Rights promote a multi-stakeholder approach, emphasizing the importance of dialogue, grievance mechanisms, and participatory monitoring. Jurisdictions with strong civil society oversight, such as the Netherlands and Sweden, demonstrate higher levels of corporate accountability.

Corporate Resistance and Regulatory Fragmentation

Businesses often express concerns about regulatory burden, legal uncertainty, and competitive disadvantage, particularly in regions with divergent standards. The lack of global harmonization in CSR regulation creates compliance challenges for multinational corporations and risks a "race to the bottom" in jurisdictions with weaker enforcement.

IV. Discussion

I. Subsection One: The Evolution of CSR from Voluntary Ethical Practice to Legal Obligation

The transformation of Corporate Social Responsibility (CSR) from a voluntary, values-driven initiative into a legally enforceable duty marks a fundamental shift in the relationship between business, society, and the state. Historically, CSR was perceived as a discretionary function—often equated with philanthropy or public relations—through which companies could enhance their reputation without altering core business models. However, as global challenges such as climate change, labor exploitation, and resource depletion have intensified, the limitations of voluntary CSR have become evident. Self-regulation often lacks accountability, consistency, and measurable impact, allowing companies to engage in symbolic actions while continuing environmentally harmful or socially unjust practices.

The emergence of binding legal frameworks reflects a growing recognition that sustainable development cannot be achieved through goodwill alone. States and international bodies are increasingly asserting their role in shaping corporate behavior by embedding CSR principles into law. This legal turn is driven by several factors: rising public demand for corporate accountability, the transnational nature of supply chains that outpace national oversight, and the urgent need to meet internationally agreed targets such as the UN Sustainable Development Goals (SDGs) and the Paris Agreement.

Jurisdictions like France, Germany, and the European Union have pioneered this shift by introducing laws that impose due diligence obligations on corporations. For instance, the French Loi de Vigilance (2017) was a landmark in holding parent companies legally responsible for human rights and environmental risks across their global operations. Similarly, the German Supply Chain Due Diligence Act (2023) requires companies to monitor and address abuses in their supply chains, backed by enforcement mechanisms and potential fines. These laws signify a departure from the traditional shareholder-centric model of corporate governance toward a stakeholder-oriented approach that acknowledges the broader societal impacts of business activities.

Moreover, mandatory disclosure regimes—such as the EU's Corporate Sustainability Reporting Directive (CSRD)—are instrumental in institutionalizing transparency as a legal norm. By requiring standardized, audited sustainability reports, these regulations reduce information asymmetry and empower investors, consumers, and regulators to hold companies accountable. The U.S. SEC's proposed climate-related disclosure rules reflect a similar trajectory, albeit with more political resistance, highlighting the contested nature of CSR regulation in different governance contexts.

However, this legal evolution is not without controversy. Critics argue that mandatory CSR may stifle innovation, increase compliance costs, and lead to a "check-the-box" mentality, where companies focus on legal compliance rather than genuine sustainability transformation. There is also concern about regulatory overreach and the potential burden on small and medium enterprises (SMEs), which may lack the resources to meet complex reporting and due diligence requirements.

Nonetheless, the trend toward legal regulation underscores a broader normative shift: businesses are no longer seen as isolated economic actors but as integral participants in the social and ecological systems they affect. Legal frameworks provide the necessary structure to ensure that CSR is not merely performative but is embedded in corporate decision-making, risk management, and long-term strategy. As such, the transition from voluntary

CSR to legally mandated responsibility represents a crucial step toward aligning corporate conduct with the imperatives of sustainable development.

II. Subsection Two: The Role of Legal Regulation in Advancing Sustainable Development Goals

The integration of Corporate Social Responsibility (CSR) into legal frameworks has become a pivotal mechanism for advancing the United Nations Sustainable Development Goals (SDGs). As the 2030 Agenda emphasizes the need for multi-stakeholder partnerships, the private sector is increasingly recognized as a key driver of progress across environmental, social, and economic dimensions. Legal regulation of CSR plays a transformative role in aligning corporate activities with the SDGs by establishing clear expectations, creating accountability mechanisms, and incentivizing long-term sustainable practices.

One of the most significant contributions of legal CSR frameworks is their ability to operationalize abstract sustainability goals into concrete corporate duties. For example, mandatory environmental reporting under the EU's CSRD directly supports SDG 13 (Climate Action) by requiring companies to disclose greenhouse gas emissions, climate risks, and decarbonization strategies. Similarly, due diligence laws such as Germany's Supply Chain Act contribute to SDG 8 (Decent Work and Economic Growth) and SDG 12 (Responsible Consumption and Production) by obliging companies to prevent child labor, forced labor, unsafe working conditions, and environmental degradation in their supply chains.

Legal mandates also enhance the measurability and comparability of corporate sustainability efforts. Standardized reporting frameworks—often embedded in legislation—enable benchmarking, third-party verification, and public scrutiny, all of which are essential for tracking progress toward the SDGs. Initiatives like the Global Reporting Initiative (GRI) and the European Sustainability Reporting Standards (ESRS) are increasingly referenced in national laws, creating a convergence between regulatory requirements and international sustainability metrics.

Moreover, legal regulation helps address systemic gaps in voluntary CSR initiatives, particularly in sectors with high environmental and social impacts—such as extractives, textiles, and agribusiness. In these industries, self-regulation has historically failed to prevent ecological damage or human rights abuses. Legal frameworks introduce a level of enforceability that voluntary codes lack, ensuring that sustainability is not compromised for short-term profit.

However, the effectiveness of legal CSR regulation in advancing the SDGs depends on several factors:

Coherence and integration across different legal domains (e.g., environmental law, labor law, corporate governance);

Inclusivity of stakeholder input, ensuring that affected communities, workers, and civil society organizations can participate in monitoring and enforcement;

Capacity-building and support for businesses, especially SMEs, to comply with new obligations without being disproportionately burdened;

RT&A, No 2 (85)
Volume 20, June 2025

Global policy alignment, as fragmented national regulations can hinder multinational corporations from implementing consistent sustainability strategies.

Notably, countries like Denmark and the Netherlands have demonstrated leadership by linking national CSR policies directly to the SDGs, requiring public reporting on corporate contributions to specific goals. India's mandatory CSR spending, while criticized for its focus on inputs rather than outcomes, has nonetheless mobilized significant financial resources toward education, healthcare, and rural development—directly supporting SDG 1 (No Poverty), SDG 3 (Good Health and Well-being), and SDG 4 (Quality Education).

In sum, legal regulation acts as a catalyst for translating the aspirational language of the SDGs into actionable corporate responsibilities. When well-designed and effectively enforced, such laws not only promote compliance but also foster innovation, resilience, and shared value creation. As the world faces mounting sustainability challenges, the legal embedding of CSR emerges not merely as a regulatory tool, but as a strategic imperative for achieving inclusive and sustainable development.

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