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CLIMATE LITIGATION AS A REGULATORY COMPLIANCE TOOL: EXPANDING STATE AND CORPORATE RESPONSIBILITY

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Abstract
The challenge of climate change poses significant regulatory and governance issues which are not limited to the conventional environmental law enforcement systems. International systems like the Paris Agreement set high mitigation levels but their success is heavily grounded on national implementation and accountability systems. Here, climate litigation has become one of the growing weapons of enforcement of regulatory compliance and increase of state and corporate responsibility. This study looking at climate litigation as a doctrinal and normative process that converts aspirational climate pledges into enforceable legal requirements. Through a qualitative approach to the doctrines, the research examines prominent cases of the judicial courts, international legal tools, and legal arguments to understand how the judicial courts perceive the constitutional provisions, statutory requirements, and human rights provisions in climate-related cases. Close emphasis is put on landmark cases like Urgenda Foundation v. The Supreme Court of the Netherlands ruled in the Netherlands v. Milieudefensie et al. and the District Court of The Hague ruled in Royal Dutch Shell v. Milieudefensie et al. which exemplify the increase in the judicial control over governmental climate policy and corporate emissions strategies. The results show that climate litigation acts as a supplementary regulatory compliance tool through three main directions, clarifying legal responsibilities, strengthening the correlation between national regulations and international climate policies, and creating wider corporate standards of care based on the human rights and due diligence principles. Climate change is becoming a justiciable matter by the courts, which reduces the distance between political obligations and legal responsibility. Litigation on the corporate level helps to

create the climate-related governance through the impact on the reduction of emissions, disclosure of risks, and long-term sustainability planning. According to this study the climate litigation is a trend in environmental governance with a major change towards polycentric and multi-level accountability. In spite of institutional and procedural constraints on judicial intervention, judicial intervention is essential to sealing the enforcement gaps and supporting the legal framework of climate responsibility. Finally, climate litigation should not be viewed as a simple response-driven system of dispute resolution, but a new regulatory tool that is transforming the scope of state and corporate climate responsibility.

Introduction

Climate change has developed into an issue of the most urgent regulation, economic, and governance challenges of the twenty-first century instead of remaining a mainly scientific and environmental issue (Babacan, 2025). The growing rates of extreme weather events, rising sea levels, biodiversity loss, and socio-economic disruption, have fuelled pressures on enhanced legal responsibility at the national and international levels (Raihan, 2023). Though multilateral agreements like the Paris Agreement have robust mitigation and adaptation goals, mitigation and adaptation implementation tools rely more on home country enforcement and voluntary compliance (Forster & Huggins, 2024). Here, a new regulatory compliance instrument has been discovered, climate litigation, which can draw the boundaries of state and corporate responsibility (Hösli & Weber, 2022a).

Conventionally, the environmental regulation was based on legislative provisions, administrative controls, and executive implementations (Ning & Shen, 2024). Nevertheless, the transboundary nature of complexity of climate harm has revealed loopholes in the traditional systems of regulations (Adeboye, 2025). The political, economic or institutional constraints of governments tend to slow down or weaken climate action (Finnegan, 2022). Corporations, especially in high-emitting industries like fossil fuels, energy production and heavy industry, traditionally been functioning within regulatory frameworks that do not sufficiently internalise the environmental costs of the activities of these corporations. This has led to more and more of the affected communities, civil society organizations, and even subnational governments resorting to the courts in a bid to coerce to comply, demystify responsibilities and seek remedy (DeMattee, 2023).

The term climate litigation is a broad term to describe litigation that poses material issues of climate change science, policy, or law (Setzer et al., 2024). Such cases have become increasingly common over the last twenty years, indicative of a wider appreciation of the fact that courts can play a more active role not as arbiters of disputes but as initiators of overall regulatory change (Asschenfeldt & Ross, 2024). Litigation has assumed various models such as constitutional litigation, human right based litigation, administrative litigation, tort litigation and corporate disclosure litigation (Parona, 2025). Such cases usually aim to protect the current environmental laws, fight poor climate policies, or hold the corporations liable in their contribution to greenhouse gas emissions (Pan et al., 2026).

The Netherlands where the Supreme Court of the Netherlands ruled that the Dutch government had a legal obligation to implement the reduction of greenhouse gas emissions according to the scientific consensus and the human rights (Zahar, 2022a). The argument of the court was based on the principles entrenched in the European Convention on human rights, and thus climate mitigation was connected to the safeguarding of basic rights (Olsson, 2024). Likewise, the District Court of The Hague in Milieudefensie et al. v. Royal Dutch Shell asked the corporation to set its goals in reducing its emissions to the aims of the Paris Agreement (Baroncini, 2025). The case was also a huge advance on corporate climate responsibility and indicated that in line with international climate objectives, private actors could have direct strategies (Gustafsson et al., 2022).

Such changes demonstrate a more general change in the role of litigation as a form of reaction to individual harms to an active tool that defines regulatory norms (Kaminski, 2023). Courts are applying constitutional requirements, statutory requirements, and common law teachings more often incorporating climate science and principles of sustainability (Satria, 2025). This help in the development of the normative expectations regarding the due diligence, fiduciary duty and the disclosure of risk and long term company strategy (Ferrarini, 2024). Climate litigation is not, then, only a redress to the violation that it is a regulating governing regime, implying behaviour, by establishing judicial precedence and reputational tension (Ahmad & Chowdhury, 2025).

Litigation serves to remind that the commitments of climate are not political utterances that remain aspirational but obligations that are recognized by the law (Motha, 2025). Courts demand governments to submit policy choices, reconcile state course of action with scientific rules, and streamline procedures in a way that allows them to be transparent (Davies & Van Waeyenberge, 2025). The issues that challenge the lawsuits at the corporate level are an increasing ineffectiveness of emissions reductions, false climate disclosures, and the ignorance of the foresight of foreseeable climate risk (Hösli & Weber, 2022b). This movement suggests that more people have begun to understand that companies as major causes of emission in the world can be the heart of achieving-or disrupting-climate objectives.

Nevertheless, the spread of climate litigation has very grave doctrinal and practical problems (Karim, 2025). Critics are concerned that courts can overstep their institutional power and usurp legislative or executive prerogatives (Crews, 2024). Others warn of unequal available justice and possible fragmented, jurisdiction-based decisions (Berman, 2024). Nonetheless, the fast increase in the cases dealing with climate-related cases makes it clear that environmental governance has taken a decisive turn: regulatory institutions are no longer the only institutions that enforce compliance but more and more, the courts prove to be the new institutions enforcing accountability (Okedele et al., 2024).

This study discusses climate litigation as a novel regulatory compliance instrument that enhances the state and corporate responsibility. It evaluates the understanding of legal regime by courts facing the issue of climate obligations, the normative basis of judicial intervention, and the consequences of the practice to global climate governance. The study places climate litigation in a larger framework of theories of regulatory compliance and accountability by asserting that litigation is a dynamic process of filling gaps in enforcement and enhancing the legal institution of climate responsibility.

1. Methodology

1.1.Research Design

The research design is a qualitative doctrinal and analytical legal research approach designed to study climate litigation as a regulatory compliance instrument and its contribution to the expansion of the state and corporate responsibility. The study does not entail the collection of empirical data, statistical testing, surveys, interviews, and computer analysis using SPSS. Rather, it is based on a critical and systematic analysis of legal documents, judicial rulings, international treaties, and academic sources. The aim is to come up with a conceptual and normative insight on how climate litigation consolidates accountability structures both in domestic or international legal systems.

This method is concerned with the discovery, interpretation and application of legal principles based on statutes, treaties, constitutional statutes and case law. The research investigates the analysis of the courts of the doctrines of the climate-related obligations and the impact of the interpretations on the quality of regulations compliance. Another point of the analysis that is found in the article is the normative perspective of analysis, manifested in the form of a doctrinal analysis of implications of judicial reasoning at the greater scale in connection to the environmental governance and corporate responsibility.

*1.2.**Sources of Data***

It relies on secondary sources in conducting the study. They are international climate instruments particularly Paris Agreement, regional human rights conventions such as European Convention on Human Rights, national environmental laws, constitutional laws and published judicial decisions. Academic journal articles, books, policy reports, and authoritative commentaries on climate governance and environmental regulation also make up the research material. The interpretation of these sources makes the study put climate litigation into the bigger context of environmental regulation in law and institutions.

*1.3.**Case Selection Criteria***

The major judicial precedents are reviewed to show how litigation acts as a compliance mechanism. As an illustration, the rationale of the Supreme Court of the Netherlands of Urgenda Foundation v. Netherlands is discussed to show how the international climate commitments have been translated into domestic obligations that are binding in the Netherlands. In a similar manner, the ruling of the District Court of The Hague in Milieudefensie et al. v. Royal Dutch Shell is said to emphasize on expanding the scope of corporate duty of care in the international emissions reduction targets.

The cases selected in this study are informed by that they have legal value and helped shape climate accountability jurisprudence. It includes cases in which they discuss climate mitigation or adaptation commitments, define enforceable obligations on states or a company, or have an impact on regulatory compliance criteria. The goal of studying these decisions is pedagogical and critical, whereby it seeks to determine the new legal principles and interpretive trends and not necessarily offering a global compendium of climate litigation.

*1.4.**Jurisprudence Method of Interpretation.***

The research utilizes the conventional methods of reasoning in law during interpretation of law materials. Textual interpretation can be used to analyse statutory and treaty language but a systematic interpretation places climate obligations within the framework of broader constitutional and regulatory frameworks. The objectives and the aims of climate agreements and environmental laws are interpreted by the teleological interpretation. The scientific fact of the climate change and the normative expectations of the environmental law of the international law are also considered in a contextual analysis. These interpretive strategies present a critique of how court officials are transforming climate commitments into concrete and binding duties.

1.5. ***Theoretical Framework***

The theoretical framework on which this study is grounded is the regulatory compliance theory and the existing research on the topic of governance. It is also believed to be a complementary method of administrative enforcement and it can assist in clarifying legal standards, increasing transparency and addressing enforcement lapses. Courts are discussed as participants in the multi-level system of governance where judicial intervention has the potential to strengthen the coherence and accountability in policy. With litigation placed in this broader regulatory framework, the article has shown how judicial procedures can help to influence state behaviour as well as corporate strategy towards climate commitments.

2. Results

2.1. ***Increase of the responsibility of State by judicial enforcement.***

The analysis showed that there has been a judicial trend of the recognition of climate change mitigation as a legal obligation instead of a mere political commitment. The courts have increasingly construed the provisions of the constitution and statutory requirements as well as international agreements as placing definite obligations on governments to minimize the emission of greenhouse gases by scientific standards.

In Urgenda Foundation v. The Supreme Court of the Netherlands allowed stating that Dutch government was bound to reach certain emission reduction goals because of its duty of care and the rights on human rights. The Court associated the phenomena of the domestic environmental responsibility with the norms which were expressed in the European Convention on Human Rights and introduced the climate commitments in the context of the norm of the protection of fundamental rights. The resultant doctrine that comes out of such jurisprudence is the judicial reform of international climate undertakings, such as under the Paris Agreement, into binding national standards that are open to judicial review. Through such rulings, the courts have upheld the rule that promises by states made on climate are subject to scrutiny by the legal standards of reasonability, proportionality, and due diligence.

2.2. ***Corporate Climate Duty of Care development.***

The results also show that there has been a drastic development in corporate accountability. It is becoming apparent to the courts that corporations, especially those that deal in carbon-heavy industries, have some independent duties that are consistent with global climate goals. In Mileiudefensie et al v Royal Dutch Shell the District Court of The Hague ruled that the company had a duty of care to minimize its emissions according to the international climate targets. It was not just a ruling on the compliance with the current statutory requirements but was based on a broader requirement founded on the principles of reasonableness and social responsibility. This evolution is indicative of a doctrinal expansion of corporate responsibility regarding direct regulatory violation to a more extensive climate-related risk oversight. Corporations are now anticipated to encompass emissions decreasing plans, open disclosures and sustainability of the long-term planning into the governance frameworks.

2.3. ***Climate Litigation as a Regulatory Compliance Factor.***

This study showed that climate litigation is a complementary regulation instrument that addresses the gaps of enforcement caused by administrative and political processes. There are three main ways that courts have led to regulatory compliance:

- Getting vague statutory responsibilities straight;
- Implementing consistency in national policies and those of the international climate targets;
- Setting up a judicial control over poor mitigation measures.

Instead of establishing completely new legal standards, courts often develop a certain interpretation of the existing order of things through the prism of scientific unanimity and international obligations. This judicial strategy enhances regulatory consistency and tightens the belt on both the government and the non-governmental actors and compels them to achieve climate goals.

2.4. ***Doctrinal Patterns Identified Across Cases***

A comparative doctrinal review reveals recurring legal principles invoked in climate litigation. These principles demonstrate convergence in judicial reasoning across jurisdictions.

Table 1. Recurring Legal Principles in Climate Litigation

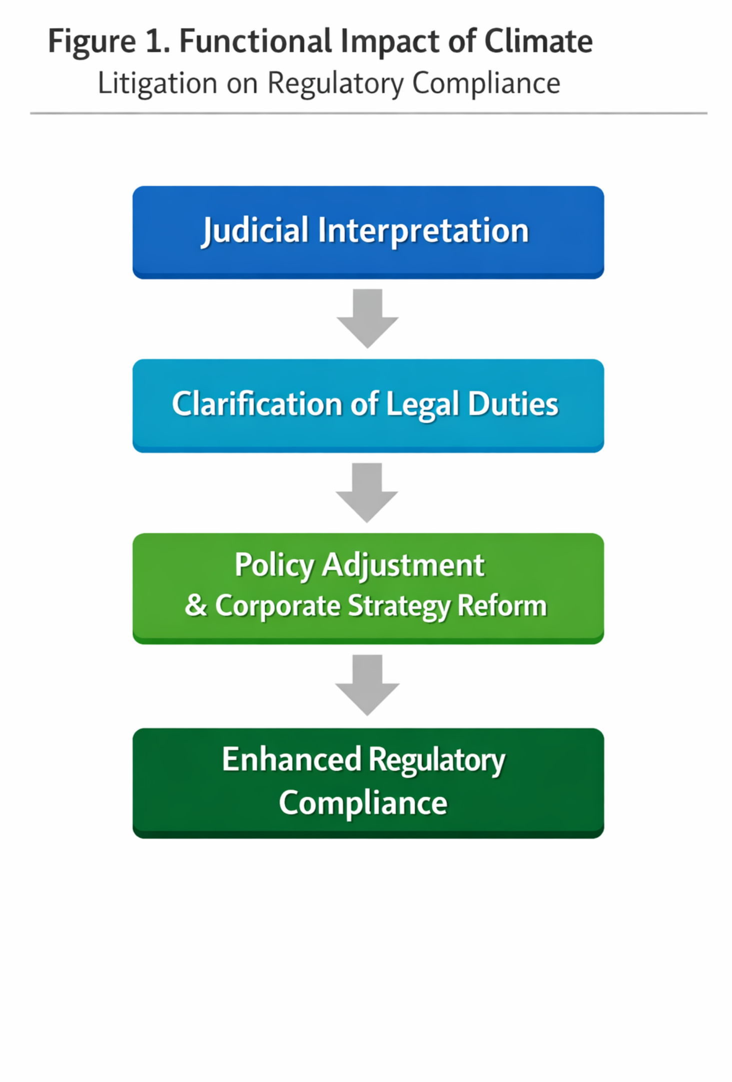
Legal Principle	**Application in State Cases**	**Application in Corporate Cases**	**Regulatory Impact**
Duty of Care	Imposes emission reduction obligations	Establishes corporate mitigation responsibilities	Strengthens enforceability
Human Rights Protection	Links climate harm to right to life and well-being	Influences ESG and risk disclosure duties	Expands normative accountability
Precautionary Principle	Justifies proactive mitigation	Encourages risk-based governance	Promotes preventive regulation
Proportionality	Assesses adequacy of national targets	Evaluates corporate transition plans	Enhances judicial scrutiny
Due Diligence	Requires policy coherence	Requires climate risk management	Aligns conduct with global targets

Table 1 illustrates that courts rely on well-established legal doctrines to integrate climate accountability into existing legal systems, thereby reinforcing compliance without requiring new legislative enactments.

2.5. ***Judicial Impact on the Structures of Governance.***

The results indicate that climate litigation has an indirect regulatory impact even on an individual judgment. Court rulings tend to cause legislative changes, alterations in policy and stricter corporate reporting rules. National climate action plans have been revised by governments due to unfavourable judicial decisions, and corporations have tightened the emissions disclosure and sustainability obligations.

Figure 1. Operational Effect of Climate Litigation on Regulation Adherence.



3. Discussion

This study has attempted to investigate climate litigation as a compliance regulatory mechanism and evaluate its contribution to the proliferation state and corporate responsibility in modern climate governance. The doctrinal results indicate that climate litigation has developed to higher levels of more than a dispute resolution system but rather is a structural system that enhances accountability and legal requirements and impacts policy and corporation practices. These findings are placed in a wider theoretical and governance discussion, their implications assessed, and their limitations discussed below.

3.1. Climate Litigation as a stimulus of Norm Internalization.

Among all the crucial results of this study, it should be emphasized that climate litigation helps to internalize international climate norms in domestic legal frameworks. Countries like Paris Agreement had initially been drawn with flexible compliance frameworks and this was based much on contribution to the country by the respective countries as opposed to stringent enforcement procedures (Ahonen et al., 2022). Although this flexibility helped in the wide participation, it also introduced gaps in enforcement. The judiciary has been progressively sealing these loopholes through judicial interpretation of climate commitments as legally binding norms of evaluating the sufficiency of state response (LENTZ, 2025a).

The arguments taken by the Supreme Court of the Netherlands in Urgenda Foundation v. The Netherlands is an example of such a dynamic (Buszman, 2024). The Court put the abstract climate targets into concrete domestic obligations by basing the emission reduction obligations in terms of human rights protections under the European Convention on Human Rights (Zahar, 2022b). Such interpretation is indicative of a broader judicial tendency to harmonise national regulatory frameworks with the changing international environmental standards (Angstadt, 2023). Consequently, through the impact of climate litigation, compliance with regulations can be enhanced without making significant changes since it encompasses the incorporation of prior international commitments into the home accountability framework (Najm Abed Al-Nuaimi et al., 2025).

3.2. ***Growth of State Accountability and Justiciability.***

The results also reveal that there is an increasing trend among the courts to consider climate change as a legal issue of concern and not necessarily as a political one. In the past, matters of climate policy were traditionally deemed not the subject of judicial review because of the issue of separation of powers (LENTZ, 2025b). These recent jurisprudence shows that the courts are now willing to examine the governmental inaction, in case of constitutional rights, statutory duty, or international commitments involved (de Villiers, 2023).

This trend is a change in the perception of the state responsibility. The concept of climate mitigation is ceasing to be conceived as a policy discretion issue, instead, it is being perceived as a legal obligation that is based on the principles of due diligence, precaution, and proportionality (Bourban, 2023). Judicial review forces the government to support their climate plans as based on scientific data and normative standards (Sugarman, 2023). By so doing, the courts will improve the transparency and make sure that the climate commitment is not turned into symbolic declarations.

Meanwhile, such broadening of justiciability attracts significant institutional issues. Critics believe that the courts might not have technical skills or democratic requirement to determine the amount of emission or address complicated trade-offs in policies (Christensen et al., 2022). Nonetheless, the cases analysed in this study indicate that the courts tend to be reluctant in terms of prescribing measures of policies in a detailed way. Rather they demand governments to be consistent in their behaviours with what the law has set and leave the choice of implementation to the political leaders. This is a mechanism of maintaining an institutional balance as well as strengthening regulatory compliance.

3.3. ***Corporate Responsibility and Duty of Care Development.***

One of the most profound aspects of climate litigation, however, is its effect on corporate responsibility (Rajavuori et al., 2023). Historically, the environmental laws and administrative licenses were the main tools of regulating corporations (Martins Costa Moreira & Wedy, 2025). However, recent jurisprudence shows there has been a doctrinal expansion in corporate duty of care when it comes to climate change.

The ruling of the District Court of The Hague, in the case of Milieudefensie et al. v. Royal Dutch Shell, is a good example of this development (Mayer, 2022). The Court broadened climate responsibility by asserting that a multinational corporation has to reduce its emissions in correspondence with the world climate goals, not only in the direct violation of the statutes (Ma, 2023). The decision highlighted that companies have separate obligations of the expectations of society, human rights, and reasonably foreseeable danger of climate damage.

This change has far reached regulatory consequences. Companies are becoming obligated to integrate climate risk evaluation, emissions mitigation strategy, and open disclosure measures into corporate governance framework (Akinsola, 2025). Climate litigation is therefore a kind of indirect regulation where the corporate strategy is influenced by judicially expressed standards of reasonableness and responsibility (Weller & Tran, 2022). The reputational and anticipatory impact of such litigation affects corporate conduct even in those jurisdictions where such cases have not succeeded yet (Donelson et al., 2024).

3.4. ***Complementary Governance: Litigation.***

Also indicated in the results is the fact that the multi-level framework of climate litigation exists within a broader multi-level governance framework. It does not substitute the regulation of law or of administration but supplements it. The cases in the judicial courts frequently lead to revision of the policies, amendment of legislations and development of better regulations (Kerwin & Furlong, 2025). The governments can strengthen national action plans on climate after the negative verdicts, but corporations can make more ambitious sustainability commitments to avoid risks of being sued (Armour et al., 2023).

Such a subordinate position reflects regulatory compliance theories that aim at an interplay of formal enforcement mechanisms and normative constraints. Litigation contributes to reputational cost of non-compliance and it provides the civil society with an organised manner of challenging the lack of action (Carolei, 2023). By establishing legal standards that are clear and making precedents, courts contribute to rendering the regulations more predictable and coherent. Furthermore, litigation helps in participatory governance where the aggrieved communities and lobbying groups can be directly engaged during litigation. This dynamic element enhances the democratic accountability and enhances the legitimacy of climate governance systems.

3.5. ***Human Rights Normative Convergence and Integration.***

Another significant theme which could be discovered depending on the findings is the inclusion of human rights principles in climate litigation. Courts have made the discovery that climate change poses a threat to the right of life, health, property, and private life. The fact that the climate harm is a human rights issue serves to assist the litigants to take normative foundations of claims and escalate the judicial review. When this is done, there is normative convergence among jurisdictions. There are even in diverse regions of the constitution where common principles, such as dignity, intergenerational equity, and environmental protection, are often accessible to courts. This intersection creates progressive unity of weather responsibility values on the global level.

4. Structural Limitations and Future Challenges

Climate litigation has structural constraints even though it has a transformative potential. The power of the judiciary is always responsive, as it relies on cases presented in courts. Procedural barriers, resource limitations or standing requirements may restrict access to justice. In addition, enforcement of judgements is finally dependent on political and institutional ability. Fragmentation is also a possibility since inconsistent rulings in different jurisdictions may lead to inconsistent standards. Although the leading cases have persuasive power, other legal systems are not necessarily obligated to follow them. Therefore, the long-term regulatory effect of the climate litigation process is hinged on the sustained institutional involvement in courts, legislatures, and regulatory bodies.

5. Implications for Climate Governance

In general, the results validate the main argument of this paper: climate litigation is a new regime compliance mechanism that increases both state and corporate accountability. Courts can strengthen the climate governance architecture by converting international obligations into binding obligations, enhancing the clarity of the standards of care, and strengthening transparency. The management of climatic issues is becoming more polycentric. Compliance with regulations is no longer achieved by administrative means but in an active working relationship between judicial interpretation, politics, and corporate strategy. This change has been reflected in climate litigation, which has been able to show how the law can transform as a response to the global environmental issues. climate litigation is a major evolution in the modern environmental law. Although it will not overcome the climate crisis alone, it will significantly contribute to sealing gaps in enforcement, increasing the accountability, and instilling climate responsibility into the legal frameworks of both the state and the corporations.

6. Conclusion

This study has shown that climate litigation has taken a significant role in regulatory compliance that has enhanced state and corporate responsibility, in terms of dealing with climate change. Courts are also converting political climate pledges into binding legal commitments through judicial interpretation of the constitutional clauses, the human rights norms and the international climate pledges. Urgenda Foundation v. Landmark cases. Netherlands and Milieudefensie et al. v. Royal Dutch Shell provides an example of how a court ruling could help clarify the scope of duties of care, promote the alignment of domestic policies with international climate goals, and make corporations reconsider the role of emissions reduction and risk management of climate change as a part of their governance. Though climate litigation cannot substitute legislative and administrative practice, it has a complementary effect, e.g., closing enforcement loopholes, increasing transparency, and fostering accountability. Altogether, the increasing role of the climate litigation indicates a larger transformation into a polycentric approach to climate governance where courts, governments, and corporations all play a role in promoting efficient climate responsibility.

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