

Abstract

Submitted rigorous thesis aims to analyze the legal aspects of additional work. In the introduction author deals with genesis of historical-law concepts of additional work. In this part origin of the term and also inspiration to solve contemporary legal issues associated with this topic are being searched. In order to ascertain the origin of the term additional work the author conducts analysis of available historical judicature and periodicals, in which the term of additional work had occurred. In addition of seeking the origin of additional work the emphasis is placed on the approach of courts assessing the legal entitlements arising from additional work.

In the first chapter the author also introduces several meanings of the term additional work, which were identified by the conducted analysis. In context with identified meanings, the author offers commentary on individual meanings and offers possible alternative names.

The second chapter is generally devoted to the impact of the term additional work agreement on the original contract for work. In this case the historical legal analysis is conducted as well, mainly because the issue of changes in the obligation in the content has undergone substantial changes in the 2014 recodification. The analysis is therefore looking for an inspirational source of contemporary legal regulation of changes in obligations in content. In addition author in this part of the thesis summarizes all available opinions on changes in the commitment in the content and offers his personal view regarding to this matter. According to this issue the problematics of the reservation of the written form agreed in the original contract for work and its possible break is also being solved.

The last chapter contains the analysis of the entitlement to reimbursement of additional work resulting from the matter of unjust enrichment. This chapter analyzes the case law relating to this issues which has already been solved by courts.

The aim of conducted analysis is finding significance of the link test which appears in judiciary. Besides the work introduces the direction in which future judicature should evolve especially in terms of new provisions of unjust enrichment in the Civil Code.

In the scope of the whole work, the emphasis is placed on historical and foreign comparison, where the author is inspired in many aspects. The thesis is supplemented by fictional and real case reports to better illustrate the problem.