

# Unjustified Enrichment in Business Law

## Abstract

The aim of my thesis is to analyse the concept of unjustified enrichment in connection with the commercial law. In fact this topic is usually described in the civil law studies and at the same time the unjustified enrichment is minor topic compared to the obligations arising from the contracts. This is the reason why I have chosen this issue describe and focus on the business aspects.

The thesis is composed of seven chapters. Chapter one as an introduction defines basic legislation acts, which I am dealing with throughout the thesis and roughly describes there are changes in connection with the extensive recodification of the Czech private law. Chapter two is subdivided into two parts. Part one focuses on the origin of the unjustified enrichment in Ancient Rome as the base for the civil law. Part two provides an outline of past legislation within the territory of the Czech Republic until its establishment. Chapter three concentrates on the legislation effective until 31 December 2013. It illustrates the approach to decision-making by the Supreme Court including the decision-making in connection with the limitation of rights according to Commercial Code. Chapter four analyses the changes after New Civil Code came into force in relation to commercial law. Here is highlighted limitation of right and the protection of *bona fide* beneficiary. In fifth chapter is investigated the influence of the European Union law and potential for creating of European Civil Code. And finally in chapter six and seven are drawn up the conclusions.

The goal of the thesis is to make clear what rules applies to what obligations raised from the unjustified enrichment as a commercial obligation as well as to analyse what are the benefits of the recodification. And eventually the goal is to predict or estimate which decision-making might be applicable in the future.