

Abstract

This thesis analyses the concept of unjust enrichment under the business law. First of all the thesis explains the term of business law. Business law is a complex of legal rules concerning the contractual relationships between entrepreneurs arising from their business activities. Business law is a comprehensive field of law which extends into many other fields of law, both private and public law. Equally the regulation of unjust enrichment within the business law expands into many other laws with particular specialization, but these laws are not subject of this thesis. For these laws the subsidiary legislation is included in the civil code., therefore this thesis focuses on the general regulation of unjust enrichment included in the civil code.

Further the thesis continues with a historical development of both business law and unjust enrichment. The historical view begins with roman law, continues with the regulation of unjust enrichment under the ABGB and ends with regulation under the so. socialist law. Further in the text is referred to the historical chapter to facilitate understanding of a present regulation.

Next chapter of the thesis describes the current regulation of unjust enrichment, mainly under the civil code, and from the reason mentioned above it is not going into the particular legislation. The topic is analyzed regarding case law concerning the prior legislation which is basically applicable to current regulation except for some particular exceptions mentioned in the text.

The last chapter gives a brief view to the unjust enrichment in context of European law, where the binding regulation on this topic is missing. Therefore the thesis deals with a Draft of Common Frame reference which is a soft law document.

The aim of the thesis was to provide a coherent explanation of the concept of unjust enrichment under the business law. To fulfill of the purpose of this thesis the unjust enrichment was described in terms of civil code pointing out to particularities within the contractual relationships between entrepreneurs arising from their business activities.