

ABSTRACT

The thesis analyses the legal concept of unjust enrichment in business law. General legal regulation of unjust enrichment itself has never been included in Commercial Code though it had to be interpreted according to the general regulation contained in the Civil Code. This conception remained unchanged even after the re-codification of civil law, which abolished the Commercial Code, thus we no longer need to differentiate between legal relationships which are of a commercial nature and those which are not. The conclusions reached by the Supreme Court in correlation with the previous legislation cannot be completely abandoned - based on the transitional provisions of the Civil Code - the preceding legislation, and therefore the conclusions of the case law relating thereto, remain applicable.

The thesis analyses unjust enrichment, mainly from the perspective of civil law. The commercial aspect is provided in comparison to the previous legislation which focuses on the specifics or application problems in relation to unjust enrichment that have arisen in commercial law. For this purpose, the thesis deals with related legal concepts such as limitation of claims resulting from unjust enrichment, the invalidity of legal acts, etc. The thesis consists of five chapters. The first chapter analyses the historical development of the legislation. The second chapter provides basic characteristics of unjust enrichment focusing on the issues of business obligations in order to determine when the unjust enrichment can be considered as a commercial obligation. The third chapter compares the most significant changes that have occurred effectively from 1st January 2014: particularly the relationship between the general and other cases of unjust enrichment, the obligation of the restitution and the influence of the good faith. The fourth chapter analyzes the particular cases of unjust enrichment especially by comparative methods of the previous legislation and the effective legislation. The fifth chapter focuses on the limitation of claims from unjust enrichment.

The aim of the thesis is to provide a complete picture of the legal concept of unjust enrichment from the point of view of civil law with emphasis on the specifics that apply exclusively to commercial law by supporting it with relevant case law, in terms of both legislation effective since January 1, 2014, and one of the legislation previously effective.