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# Unjustified Enrichment in the Comparative Perspective

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## Abstract

The aim of the thesis is the legal research of important results concerning unjustified enrichment that have been attained in foreign jurisprudence and judicial opinions, especially within the German legal family, and their comparative application to all provisions of the New Czech Civil Code („NCC“) regulating unjustified enrichment, including their relation to other parts of civil law. The thesis thus draws extensively from Austrian and German jurisprudence and case law, from the Draft Common Frame of Reference, from Swiss law and from comparative literature; further legal orders are also mentioned and a refined translation of relevant foreign provisions is included in the appendix. The thesis does not include a mere description, but rather follows the interests of Czech law and aims to make a contribution to Czech jurisprudence and application of the law. Accordingly, the thesis is also founded on complete research of the Czech Supreme Court case law made in and after 2010. The thesis comes to a number of conclusions (summarized in the itemized résumé) which may be deemed for original from the point of view of the Czech legal discourse. These conclusions corroborate the hypothesis that the Czech law of unjustified enrichment – especially after a number of foreign provisions has been adopted in the NCC – should not be interpreted in isolation and that its principled and foreseeable application is well served by the comparative law approach.

## Keywords

Unjustified enrichment. Unjust enrichment. Restitution. Civil Code. Civil law. Comparative law.