

OBLIGATIONS ARISING FROM UNJUST ENRICHMENT

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Abstract

This article examines the obligations arising from unjust enrichment in civil law. The study analyzes the theoretical foundations, structural elements, and types of obligations that emerge when property is acquired or retained without legal basis. Special attention is paid to distinguishing unjust enrichment from delictual obligations and examining the historical development of *condictio* claims from Roman law to contemporary legal systems. The research identifies practical scenarios of unjust enrichment and establishes the content of obligations for property restitution. The findings contribute to understanding the civil law mechanisms for protecting rights and legitimate interests of subjects in property relations.

Keywords

unjust enrichment, obligations, *condictio* claim, property acquisition, restitution, civil law.

Introduction

In civil law, the problems of returning unjustly acquired wealth occupy a special place in the system of legal obligations and property protection mechanisms. According to Article 21 of the Constitution of the Republic of Uzbekistan, "Every person has the right to free development of their personality. No one can be imposed with obligations not established by legislation without their consent. A person, in exercising their rights and freedoms, must not infringe upon the rights, freedoms and legitimate interests of other persons, society and the state. Human rights and freedoms may be limited only in accordance with the law and only to the extent necessary to protect the constitutional order, public health, social morality, the rights and freedoms of other persons, and to ensure public safety and public order" [1].

The formation of obligations arising from unjust enrichment as having their own place in the system of civil legal relations and as a civil legal means and method of protecting the rights and legitimate interests of subjects extends back to a long historical past, like many civil legal institutions (contracts, property rights, delicts). From the earliest stages of human history, the unauthorized acquisition or retention of property belonging to others has been regarded as one of the most serious offenses.

Ancient Roman law, unlike other sources of law and legal systems as well as customary law, was among the first to divide obligations into contractual and non-contractual types, and further divided non-contractual obligations into obligations arising from harm and obligations arising from unjust enrichment.

According to I.B. Novitsky, the addition of a certain part of property belonging to a second person (sums of money, objects, claims and the like) to one person's property, or the retention in one person's property of a certain part that should be transferred to another person's property, has been accepted as enrichment of one property at the expense of another[2].

In this context, the demand for the return of unjustly increased wealth created the possibility for the interested person to file a claim called *condictio*. The *condictio* claim has been known since the Roman law period and, based on the principle that "property belonging to another that has appeared unjustly in someone's possession must be returned," has been used as an additional means to protect a person's violated rights and has not lost its relevance today.

As we begin to study this type of non-contractual obligation, it is necessary to note that it is aimed at restoring social justice. In legal theory, the interconnection between legal norms and moral norms is contemplated. Law, by its very nature, includes and reflects the principle of justice.

There exist certain legal institutions that fully reflect precisely such ideas. As early as ancient Rome, the following rule was enshrined at the level of law: "Property belonging to another person that has appeared unjustly in someone's possession must be returned." Such an obligation is aimed at returning property obtained or retained without legal basis by a person, that is, this situation means preventing unjust enrichment while restoring the rights of the property owner.

The subject matter under investigation consists of determining the essence of obligations arising from unjust enrichment, as well as studying how these norms are being implemented in practice.

To achieve this goal, it is necessary to solve the following tasks:

1. Identify the main characteristics of obligations arising from unjust enrichment and distinguish them from non-contractual delictual obligations;
2. Study the types of unjust enrichment;
3. Determine the content of obligations, namely: analyze how claims for the return of unjust enrichment should be fulfilled and in what cases and what calculations should be carried out;
4. Compare with other types of obligations aimed at protecting civil rights.

Materials and methods

This research employs a comprehensive methodological approach combining historical-legal analysis, comparative legal method, and doctrinal legal research. The study draws upon fundamental works of Roman law scholars, including I.B. Novitsky's theoretical framework on property enrichment, as well as contemporary civil law doctrine from E.A. Sukanov and E.A. Fleishits on obligations arising from harm and unjust enrichment.

The historical-legal method is applied to trace the development of *condictio* claims from Roman law to modern civil legal systems, demonstrating the continuity of legal principles regarding unjust enrichment. The comparative method allows for analysis of how different legal actions (those of the victim, third parties, or the enriched party) can lead to obligations, and how these scenarios are distinguished in legal practice.

The research material includes constitutional provisions of the Republic of Uzbekistan, civil law doctrine, and practical scenarios illustrating various manifestations of unjust enrichment. The analytical framework focuses on identifying the structural elements of obligations and their classification based on whether enrichment occurs through acquisition or retention of property.

The doctrinal analysis method is employed to examine the theoretical foundations distinguishing unjust enrichment from delictual obligations, particularly focusing on whether the violator derives property benefit from the infringement. This methodological approach enables systematic examination of the legal nature, conditions, and consequences of unjust enrichment obligations in contemporary civil law.

Results

Structural Elements of Obligations Arising from Unjust Enrichment

The structure of obligations arising from unjust enrichment or as a result of saving another person's property consists of the following two elements:

1. When one person has increased property at the expense of another person or has retained it;

2. When such property was increased or retained without legal basis.

According to E.A. Sukanov, the factors leading to the unjust increase (or retention) of property can be various. For example:

- Actions of the victim (for instance, paying a debt amount twice, paying again for previously paid goods);

- Actions of third parties (for example, mistakenly delivering goods to a person other than the one specified in the consignment note);

- Actions of the person who increased the property (for example, accepting a postal money transfer sent to a person with the same surname).

Actions that create such obligations can be both legal and illegal. For example, if a representative, without properly studying the principal's instructions, gives the principal's debt to the wrong person, this is considered an illegal action. However, if the principal themselves indicated the wrong person in the contract, the representative's actions would be legally correct.

Unjust enrichment can sometimes arise as a result of actions performed in the interests of another person as well.

Legal Basis and Its Absence

For an obligation of unjust enrichment to arise, property must have been increased or retained without legal basis. If such a basis does not exist, the property is considered to have been increased or retained without justification.

If any legal norm does not support such increase or retention, it is assessed that there is no legal basis. For example, if a farm employs workers and engages them to harvest crops, but they collect part of the harvest from a nearby different farm and add it to the main farm's harvest, this situation is considered unjust property increase.

The situation of unjust acquisition (or retention) can also arise if legal grounds are subsequently canceled. The loss of legal grounds means the disappearance of previous legal factors, that is, reasons that would allow legitimate acquisition or retention of property. This situation can occur, for example, as a result of the adoption of new legal norms with retroactive effect of the law, which eliminates the grounds for previously performed actions.

In other cases, property seizure actions can be canceled based on the annulment of court decisions by higher authorities or the finding by a court that notaries' enforcement records are actually illegal.

When legal purposes are lost, grounds for giving property are also lost. For example, if an item given for rent by a lessor is stolen from the lessee, and the lessee has compensated the lessor for the value of this item, but later the item is found and returned to the lessor, the ground for payment is canceled. Likewise, in the case of actual cancellation of a contract, the legal basis for giving property is lost.

If an heir receives an inheritance based on a will and spends the money or uses property obtained through inheritance, but later the will is found to be incorrect and the rights of the true heirs of the inheritance are restored, the initial heir obtained property on incorrect grounds, that is, it is considered unjust enrichment.

Types of Obligations Arising from Unjust Enrichment

In civil law, unjust enrichment occurs in two ways: unjust acquisition of property and unjust retention of property. On this basis, there are two types of obligations arising from unjust enrichment: obligations arising from unjust acquisition of property and obligations arising from unjust retention of property.

It is necessary to clearly distinguish between the concepts of unjust acquisition of property and unjust retention of property, which is related to their changes in the material sphere. In unjust acquisition of property, there are changes in the material sphere, although these changes should not have occurred. In unjust retention of property, there are no changes, but they should have occurred. Therefore, in unjust acquisition of property, claims are aimed at restoring the previously existing state or a state close to it, while in unjust retention of property, claims are aimed at returning the existing state to the initial state.

One form of unjust retention of property is the property benefit that arises in the recipient at the expense of the damaged party's property due to an obligation imposed on them. For example, if payment is made not by the responsible party but by another person, or if the obligation to deliver property is fulfilled even though the property does not belong to the responsible party but to another person, if a person uses another person's property in time and does not want to become the property owner, this is considered a form of property retention.

Content of Obligations and Liability

The content of the obligation as a consequence of unjust enrichment is expressed in the appearance of the obligation to return unjustly acquired or retained property in the recipient or retainer, and the right to demand the return of such property in the damaged party.

Moreover, when it becomes known that property was obtained or retained unjustly, the person must immediately return this property. If the property is not returned in time, additional obligations are imposed.

Essentially, property found as unjust enrichment must be returned in its actual state. If the property is in a state of deficiency or damage, the person who obtained it is liable to the damaged party. If the person who obtained the property was unaware of the unjust enrichment, liability arises only in cases of intentional damage to the property or gross negligence. Subsequently, the person who obtained the property is liable not only for causing damage but also in cases of negligence, as well as for accidental deficiency or damage to the property.

Distinction from Delictual Claims

It is more logical to distinguish between delictual and *condictio* claims not based on the presence or absence of fault, but based on whether the violator has property interest or not. As is known, property damage is the loss or reduction of the value of property protected by law[3].

However, the forms of destruction and reduction of property benefits vary. If these actions are committed in the form of destroying property, breaking it, causing harm to life or health, in such a case the violator, while reducing the property benefits of the victim, does not benefit from it but only causes damage. If the reduction of property benefit occurs through theft or other unjust appropriation of property, here the violator, along with causing damage to the victim, becomes unjustly enriched[4].

Discussion

The theoretical and practical significance of unjust enrichment obligations lies in their fundamental role in maintaining equity in property relations. Unlike delictual obligations, which focus on compensation for harm, unjust enrichment obligations specifically address situations where one party gains property advantage without corresponding legal justification, regardless of fault or wrongful intent.

The Roman law foundation of *condictio* claims demonstrates the enduring nature of the principle that no person should be enriched at another's expense without legal cause. This principle has evolved from ancient legal systems into modern civil law, maintaining its relevance in contemporary property disputes. The integration of this principle into the Constitution of the Republic of Uzbekistan reflects its fundamental importance in protecting individual rights and maintaining social justice.

The distinction between unjust acquisition and unjust retention of property represents a crucial analytical framework. In acquisition cases, material sphere changes occur when they should not have, requiring restoration of the *status quo ante*. In retention cases, expected material changes fail to materialize, necessitating

enforcement of the proper transfer. This distinction has practical implications for determining the appropriate remedy and the extent of restitution required.

The variety of scenarios leading to unjust enrichment—whether through victim's actions, third-party errors, or enriched party's conduct—demonstrates the broad applicability of these legal principles. The law's recognition that both legal and illegal actions can create unjust enrichment obligations reflects a sophisticated understanding of property dynamics in complex commercial and social relationships.

The temporal dimension of legal basis is particularly significant. Property acquired with initial legal justification may subsequently become unjust enrichment when the legal ground disappears through retroactive legislation, judicial reversal, or contractual cancellation. This temporal flexibility ensures that justice can be restored even when circumstances change after the initial property transfer.

The liability framework distinguishes between good faith and bad faith recipients, imposing stricter obligations on those aware of the unjust nature of their enrichment. This graduated approach balances the interests of restoration with considerations of reasonable reliance and changed circumstances.

In the rapidly developing contemporary era, as in all spheres, unjust enrichment and the return of such wealth remain pressing issues requiring resolution. This necessitates comprehensive study of urgent matters arising from changes in the socio-economic relations system, and improvement of legislation in accordance with processes occurring in society based on analysis of existing legislation, law enforcement practice, and progressive foreign experience.

Conclusion

The obligations arising from unjust enrichment constitute a fundamental mechanism in civil law for restoring justice in property relations and protecting the rights and legitimate interests of individuals and entities. This research has demonstrated that these obligations, rooted in Roman law principles and codified in modern legal systems, serve as an essential complement to contractual and delictual obligations.

The study has established that unjust enrichment obligations arise from two essential elements: enrichment of one person at another's expense, and the absence of legal basis for such enrichment. The research has identified multiple pathways through which such enrichment occurs—through actions of victims, third parties, or enriched parties themselves—and has distinguished between unjust acquisition (where material changes occur improperly) and unjust retention (where proper changes fail to occur).

In contemporary legal practice, the principles of unjust enrichment remain vital for addressing complex property disputes arising in dynamic socio-economic conditions. Further development of this legal institution requires continued analysis of enforcement practice, comparative study of international experience, and refinement of legislative frameworks to address emerging challenges in property relations.

The *condictio* claim, inherited from Roman law and embedded in modern civil legal systems, continues to serve its essential function: ensuring that property belonging to another person that appears unjustly in someone's possession must be returned, thereby upholding the fundamental principle of justice in property relations.

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