

عنوان مقاله:

Comparison Check of concept, Basis and Purpose of Two Institutions Compensation and Unjust Enrichment

محل انتشار:

دومین کنفرانس بین المللی حقوق، روانشناسی، علوم تربیتی و رفتاری (سال: 1400)

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نویسندگان:

Delara Rastaei - College of Law, Azad north of Tehran University, Tehran, Iran

Masoodreza Ranjbar - College of Law, Azad Shiraz university, Shiraz, Iran

خلاصه مقاله:

Two institutions compensation and unjust enrichment are two institutions which are defined on the basis of different basis and purposes but both of them finally, have existed with the purpose of justice. The aim of this study is that by checking the basis of compensation, explore in the basis of unjust enrichment. These studies with an analytical method based on library have compared two institutions compensation and unjust enrichment. In this study, by checking the basis of these institutions and comparison the basis of unjust enrichment with the basics such as Risk theory, illegitimate act, Materialist and typical analysis and illegitimate loss, determined that each of these basics have drawbacks that at last a basic was suggested as an independence rule for the unjust enrichment which has conditions and pillars like other contracts. The civil code is silent in this case, while this rule has an independent existence and it's worthy to review and clarify its principles and rules. It's considered as a fair institution and respect it to maintain ownership and it has been referred in article ۳۰۱ of civil code generally but it was suggested that regulate some rules about it specifically to demystify in applying this rule.

کلمات کلیدی:

Compensation, Unjust Enrichment, Independent Rule

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