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Abstract:

The present paper discusses the American law of unjust enrichment as found in the Restatement the Third, Restitution and Unjust Enrichment (R3RUE) published by the American Law Institute in 2011. The author begins with the short history of the Restatements of the Law movement (1). He attempts to describe both the formal structure of the treatise (2) and the meaning of its keywords such as “unjust enrichment” and “restitution” (3). In the following sections the premises of restitution claims are presented: the absence of basis (4), the defendant’s enrichment at the plaintiff’s expense (5). The paper covers such separate doctrines included in the Restatement’s provisions as the unrequested intervention (*negotiorum gestio*) either (6). The author researches also the remedies that could be applied in restitution cases (7), issues on the concurrence of claims (8) and the limitation (9). In the final section he attempts to draw conclusions on conflicting nature of the unjust enrichment law in America (10).