The modern civilian approach towards unjustified enrichment appears to be characterized by (or, at least, drifting towards) the recognition of a general remedy for the restitution of benefits conferred without obligation. Its core features are the notions of "transfer" and "without legal ground". It is not an error (of whatever kind) that renders the enrichment unjustified and that could therefore be regarded as the basis of the claim (or even as one of its requirements). Moreover, it should be noted that there is no need to introduce a separate requirement of "at the expense of". For we are dealing with the restitution of a benefit conferred by way of "transfer". It is therefore self-evident that the recipient of the transfer is in the position of the restitution-debtor, whereas the transferor is bound to be the proper creditor.

[Subsequently set out in detail.]

54 Cf the title of vol X, ch 5 of the *International Encyclopedia of Comparative Law*.

Referring Principles:

IX.1 - Basic rule