Title:
XII.1 - Distribution of burden of proof

Content:
No. XII.1 - Distribution of burden of proof

The burden of proof rests on the party who advances a proposition affirmatively ("acti incumbit onus probandi").

Commentary:
This Principle means that a claimant bears the burden of proof for the facts which support his claim, e.g. the facts supporting a claim for damages, while the respondent bears the burden of proof for the facts supporting his defenses, e.g. the defense of disenrichment against a claim for restoration of an unjust enrichment.