

**THE FUNCTIONAL INTERPRETATION OF DOUBLE PAYMENT
UNDER ARTICLE 201 OF THE LAW ON OBLIGATIONS:
BETWEEN DOCTRINE AND JUDICIAL PRACTICE**

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Introduction

- **The Problem:**
- Macedonian law addresses unjust enrichment through Articles 199 and 201 of the Law on Obligations
- Article 199: General rule—restitution where property passes without legal basis
- Article 201: Specific rule—double payment of the same debt

Research Question

- **Core Research Question:**

- Does Article 201 operate as an autonomous, formalistic rule limited to literal monetary double payments, or does it function as a corrective mechanism within an integrated unjust enrichment framework?

- **Thesis:**

- Article 201 is not merely a specific application of Article 199 but a *sui generis* corrective mechanism that displaces traditional requirements of unjust enrichment when the same obligation has been effectively discharged twice—regardless of the form of payment or the presence of an enforcement title.

Methodology:

- ☐ Doctrinal analysis of authoritative commentaries and Macedonian legal literature
- ☐ Analysis of Supreme Court jurisprudence
- ☐ Historical tracing from the 1970 Yugoslav decision to contemporary practice
- ☐ Comparative insights from jurisdictions sharing the same legal tradition

The Integrated Normative Framework

Articles 199 and 201 as an Integrated System

ARTICLE 199

General rule of unjust enrichment

Requires: impoverishment, absence of legal basis
enrichment, causation,

Foundation: condictio

ARTICLE 201

Specific corrective mechanism

Applies to: double satisfaction of same obligation

Function: corrective justice