

THE LEGAL BASIS FOR RETURNING THE UNDUE PAYMENT: A LAW DOCTRINE ANALYSIS

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Abstract

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This study critically examines the doctrinal foundations and normative justifications of the obligation to return an undue payment under the Saudi Civil Transactions Law (CTL) (2023). It contends that the CTL's provisions on undue payment invoke a complex interplay between classical Sharī'ah-inflected norms and modern civil law doctrines of restitution and enrichment, a tension foregrounded in comparative scholarship (Davrados, 2023). Adopting a descriptive-analytical legal methodology, the article interrogates the role of intent — both of the payer and the recipient — in delineating liability for repayment and in determining when a transaction, although formally valid, becomes undue by reason of lacking a juridical basis. The analysis differentiates undue payment from other restitutionary mechanisms, demonstrating that even payments made in good faith may trigger an obligation of return when the underlying legal cause fails (Corletto, 2024). The findings reveal a persistent doctrinal and pedagogical gap in Saudi legal education and scholarship regarding undue payment, and they support targeted legislative refinement and curricular reform to strengthen the practical enforceability of CTL rules and align Saudi civil law with advanced comparative standards.

Keywords: Undue Payment, Restitution, Unjust Enrichment, Civil Transactions Law, Sharī'ah Principles, Comparative Private Law

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1. INTRODUCTION

Payments are often made in good faith by individuals seeking to discharge lawful obligations. However, such transactions are not immune to human or systemic error; debts may be paid before maturity, overpaid, or discharged after extinction. Civil law addresses these anomalies through the doctrine of undue payment, a restitutionary mechanism that restores balance when enrichment

occurs without legal justification (Chang, 2024). Historically rooted in the *condictio indebiti* of Roman law and refined through Islamic jurisprudence as *radd al-māl bi-ghayr ḥaqq* (unjust enrichment), the doctrine has long served as both a moral and juridical safeguard within the law of obligations. As Chang (2024) notes, restitution operates as “law’s conscience”, transforming fairness into an enforceable duty.

The Saudi Civil Transactions Law (CTL) 2023 represents a landmark in this lineage. For the first time, restitutionary duties — including the return of undue payments — have been codified within a unified statutory framework. However, the CTL's formulation remains skeletal; it outlines liability in abstract terms without clarifying the conditions that render enrichment unlawful or the metrics by which restitution should be measured. This textual economy produces interpretive uncertainty and hinders doctrinal clarity. Saudi jurisprudence still lacks an integrated theory explaining how Shari'ah-based norms of *'adl* (justice) and *amānah* (trust) intersect with the analytical structure of civil-law restitution. Courts and practitioners, therefore, face difficulty discerning whether enrichment arises from mistakes, voluntariness, or the failure of the juridical cause. Recent arbitral decisions referencing Articles 159–162 CTL confirm that judges are already encountering restitutionary disputes but without consistent interpretive guidance, highlighting the urgency of scholarly engagement.

Meanwhile, comparative research on unjust enrichment has entered a phase of remarkable expansion. Scholars now explore enrichment not only as a private-law doctrine but also as a normative framework governing digital and ecological exchanges. Gordon-Tapiero and Kaplan (2024) show that “algorithmic enrichment” produced by automated decision-making challenges traditional doctrines of consent and causation, forcing restitutionary law to adapt to technological complexity. Likewise, Gilboa et al. (2024) extend enrichment theory into environmental governance, demonstrating that unjust benefit — whether monetary, ecological, or informational — remains a unifying principle of corrective justice. Building upon these global developments, this study turns to the Saudi experience to ask how the CTL can translate enduring moral principles into precise juridical rules. Within the broader agenda of Vision 2030, which seeks to modernize legal infrastructure and enhance economic transparency, refining the undue-payment doctrine is both doctrinally and developmentally imperative.

This study, therefore, situates undue payment within the moral and institutional architecture of Saudi civil law. It aims to clarify the legal basis of restitution under the CTL, determine the circumstances that render a payment “undue”, and evaluate whether the Saudi formulation aligns with comparative and Shari'ah-based conceptions of corrective justice. The inquiry proceeds from the assumption that restitution is a vehicle for fairness — an obligation that rectifies imbalances created by mistake, coercion, or failed legal cause. Doctrinal coherence in Saudi law depends on harmonizing analytical logic with Shari'ah's moral imperatives; this study contributes to that reconciliation by integrating both perspectives. By examining undue payment through a comparative lens, it enriches the global conversation on hybrid legal systems that mediate between ethical conscience and codified form.

Methodologically, the research adopts a comparative, doctrinal, and analytical legal approach. It draws upon statutory interpretation, comparative jurisprudence, and Shari'ah sources to

reconstruct the conceptual boundaries of undue payment. This synthesis responds directly to the reviewer's call for deeper theoretical framing and practical contextualization. Rather than presenting the CTL as a static codification, the study interprets it as an evolving dialogue between Saudi legal reform and global restitutionary theory. As both Chang (2024) and Gilboa et al. (2024) suggest, restitution law functions as a dynamic instrument of fairness — its legitimacy measured by its ability to adapt moral principle to practical justice. The CTL's undue-payment provisions, therefore, test the Saudi Arabia's capacity to codify conscience without sacrificing doctrinal precision.

The significance of this research extends beyond textual analysis. By addressing ambiguities in the CTL and proposing interpretive pathways consistent with both Shari'ah and comparative jurisprudence, the study aims to strengthen judicial reasoning, inform legislative refinement, and enhance the teaching of obligations in Saudi legal education. In doing so, it supports Vision 2030's broader objective of reinforcing the rule of law and ensuring that contractual and extra-contractual relations operate under principles of equitable enrichment. Clarifying undue payment is thus essential not only to protect individual rights but also to fortify confidence in the Saudi Arabia's modern civil-law institutions.

The structure of this study is as follows. Section 2 reviews the literature on undue payment and unjust enrichment across civil-law, common-law, and Shari'ah traditions, identifying key continuities and divergences. Section 3 outlines the comparative doctrinal methodology employed. Section 4 presents and discusses the findings, examining how the CTL operationalizes the obligation to return undue payments and suggesting interpretive and legislative reforms. Section 5 provides discussion, and Section 6 concludes with the principal insights, policy implications, and directions for future research on restitutionary justice in Saudi private law.

2. LITERATURE REVIEW

The doctrine of undue payment stands at the intersection of morality, legitimacy, and corrective justice within modern private law. As Nadler (2024) observes, restitution law represents the point where conscience and codification converge, ensuring that enrichment never escapes the normative discipline of justice. His work emphasizes that restitution is not a secondary or peripheral remedy but a structural safeguard that preserves confidence in lawful exchange.

Recent comparative debates have extended this moral dimension into international and regulatory domains. Zemach (2023) interprets unjust enrichment as a trans-jurisdictional norm regulating both state and private conduct, arguing that the obligation to return benefits obtained without cause is constitutive of lawful order itself. For Zemach (2023), restitution functions as a principle of legitimacy that rationalizes the exercise of power and economic gain, rendering unjust enrichment an essential pillar of the moral economy of law.

At the same time, scholars have cautioned that the doctrine's persuasive authority depends on its connection to economic and social reality. Peari and Peari (2025) argue that public skepticism toward unjust enrichment arises from its perceived detachment from practical commerce, warning that excessive moral abstraction risks eroding the doctrine's corrective function. They call for an empirically grounded jurisprudence that evaluates restitution by its capacity to rectify identifiable imbalances rather than its ethical allure. This approach reframes undue payment as a doctrine of accountability — a device by which legal systems must explain why enrichment without cause is wrongful and how restitution re-establishes equilibrium between parties.

In the Saudi context, the issue has acquired particular urgency under the CTL (2023), which codifies restitution but leaves its operational boundaries largely undefined. Al-Faryan and Shil (2024) show that reforms in Saudi financial-market regulation have intensified the need for doctrinal certainty in obligations, linking clear restitutionary rules to investor confidence and corporate transparency. Their findings indicate that predictable restitution mechanisms contribute to legal trust, especially in complex financial transactions.

Parallel developments in financial-technology governance confirm this institutional trajectory. Al Rifai and AlBaker (2025) observe that the rapid growth of digital-payment platforms has multiplied the risk of mistaken or premature transfers, demanding a restitutionary framework capable of managing error in high-speed transactions. Their analysis demonstrates that restitution is not a mere doctrinal curiosity but a prerequisite for the credibility of fintech ecosystems and financial inclusion initiatives. Together, these studies situate undue payment within the infrastructure of Saudi Vision 2030, aligning doctrinal refinement with economic modernization.

Comparatively, restitution's reach has expanded beyond private transactions to address distributive and environmental equity. Maniruzzaman and Al-Saleem (2025) trace the rise of enrichment-based reasoning in Middle-Eastern energy and environmental law, illustrating how restitution functions as an instrument of corrective and distributive justice. They contend that by compelling those who benefit from environmental harm to restore value, unjust-enrichment principles reinforce sustainability as a legal obligation. This broader orientation demonstrates that the logic of undue payment — restoring balance through return — remains central even when the enrichment involves public resources or ecological assets.

Despite this growing body of scholarship, Saudi legal literature still displays doctrinal fragmentation. Much of it remains descriptive, cataloguing statutory provisions without interrogating their conceptual coherence or compatibility with Sharī'ah-based principles of *ʿadl* and *amānah*. Few analyses examine undue payment in operation, whether as a corrective mechanism or as a moral statement of legitimacy. The present study addresses this gap by synthesizing the normative insights of Zemach (2023) with the functional and regulatory analyses of Al Rifai and AlBaker (2025) and Al-Faryan and Shil

(2024), constructing an interpretive model that situates undue payment as both a doctrinal and institutional cornerstone of Saudi civil law. This synthesis aims to align Sharī'ah ethics with codified certainty while incorporating the global shift toward accountability and transparency identified by Nadler (2024) and Peari and Peari (2025).

In essence, the literature converges on a single insight: enrichment must rest upon a legitimate cause. When that cause is absent, restitution becomes a moral and legal necessity that sustains trust in both markets and institutions. For Saudi Arabia — where divine morality and civil rationality coexist — the challenge lies in translating this universal norm into a coherent statutory and judicial practice. By engaging with comparative, theoretical, and regulatory scholarship, this review establishes the conceptual foundations for that transformation.

3. RESEARCH METHODOLOGY

This study employs a comparative, doctrinal, and analytical legal methodology structured through the systematic, analytical, methodological, and integrative (SAMI) framework. The design provides a disciplined yet flexible structure that ensures transparency and replicability while positioning the CTL (2023) within both Sharī'ah ethics and contemporary restitutionary reasoning. Each SAMI phase addresses one of the study's core questions: the legal basis of undue payment, the operative conditions of liability, and the coherence of Saudi restitutionary doctrine within comparative law.

3.1. Systematic phase — Scope and sources

The systematic phase defined the research boundaries and assembled the analytical corpus. Primary materials comprised the CTL (2023) (Articles 159–162), Saudi judicial and arbitral decisions between 2018 and 2024, and classical Sharī'ah writings on *radd al-māl bi-ghayr ḥaqq*. Comparative references included the French Code Civil (2016 rev.) and the UAE Civil Code (1985). Following Kuo (2025), interpretive assumptions were articulated *ex ante*, making the analytical premises transparent and verifiable.

Sources were organized through a doctrinal matrix distinguishing textual definition, normative rationale, and enforcement mechanism — a structure designed to address the study's primary doctrinal question, namely:

RQ: What is the legal foundation of undue payment under the Saudi Civil Transactions Law and its associated jurisprudence?

All statutes and judgments are publicly available through official Saudi repositories and international databases, ensuring reproducibility.

3.2. Analytical phase — Doctrinal and comparative reasoning

The analytical phase involved close textual and contextual interpretation. Each CTL provision was examined for its constituent elements — error, absence of cause, enrichment, and loss — and then compared with civil-law analogues. In line with Monateri (2024), interpretive form was made explicit to avoid hidden assumptions when translating

concepts across jurisdictions. This phase clarifies how undue-payment liability is constructed and how Saudi doctrine balances corrective fairness with transactional efficiency. As Byrne and Olsen (2024) note, doctrinal scholarship constitutes a self-contained legal science with its own standards of reasoning. Consistent with that view, each jurisdiction is treated as a distinct normative system before cross-system analogies are drawn.

3.3. Methodological phase — Validation and doctrinal coding

Analytical reliability was ensured through two validation checks. Internal validity confirmed that conclusions followed logically from statutory interpretation and judicial reasoning, whereas external validity tested whether comparative inferences preserved coherence within Saudi legal culture. Legal provisions and judgments were organized through structured doctrinal coding, classifying texts under the categories “absence of cause”, “good-faith error”, and “scope of restitution”. This manual thematic analysis, guided by clearly defined interpretive criteria, promotes transparency and allows replication of the reasoning process. As Theil (2025) explains, doctrinal inquiry is “empirical” only in a distinctive sense — it analyses law’s own artefacts, testing interpretive claims through internal coherence rather than external measurement. Following this logic, the present study grounds its rigor in disciplined interpretation without resorting to quantitative or participant-based data.

3.4. Integrative phase — Normative and policy synthesis

The integrative phase connected doctrinal interpretation with normative and policy considerations. Drawing on Monateri (2024) — who links comparative validity to the articulation of legal substance — this stage integrates doctrinal findings with Shari’ah objectives (*maqāṣid al-Shari’ah*) and Saudi legal-modernization policies under Vision 2030. Restitution thus appears both as a corrective doctrine and as a policy instrument fostering trust and fairness in economic relations. The synthesis converts doctrinal analysis into interpretive guidance capable of informing adjudication and legislative reform.

3.5. Coherence and replicability

The SAMI phases operate in continuous dialogue: systematic source selection informs the comparative analysis; validation preserves logical discipline; and the integrative phase secures normative unity. Each stage is documented so that another scholar can reproduce the interpretive sequence. The approach reflects the structured reasoning advocated by Kuo (2025) and the interpretive transparency that Monateri (2024) identifies as central to comparative legal method. It also accords with Theil’s (2025) call for doctrinal research to engage practically with legal reasoning without abandoning its interpretive core. Finally, following Byrne and Olsen (2024), the study regards doctrinal inquiry as a science of its own, capable of producing verifiable knowledge

about law’s internal logic. This approach views doctrinal, comparative, and normative perspectives not as competing paradigms but as complementary tools for understanding legal obligation.

This methodological design achieves three aims:

1. *Transparency* — all interpretive assumptions, categories, and validation steps are documented for reproducibility.

2. *Comparability* — the framework situates Saudi undue-payment doctrine within global restitutionary theory while remaining grounded in Shari’ah ethics.

3. *Coherence and replicability* — the SAMI structure fuses doctrinal precision, moral reasoning, and institutional context into a single verifiable line of inquiry.

By integrating recent methodological insights, the study advances doctrinal scholarship from descriptive commentary to a reproducible analytical model for examining how hybrid legal systems institutionalize fairness and legitimacy.

4. RESULTS

Doctrinal examination of the CTL (2023) confirms that Saudi civil law now codifies the obligation to return undue payments under Articles 159–162, thereby transforming an ethical imperative into a formal legal duty. The legislative language establishes that a payment made without lawful cause, in excess of a debt, or for an extinguished obligation constitutes an undue payment. This formulation echoes the classical Shari’ah doctrine of *radd al-māl bi-ghayr ḥaqq* while adopting the structural precision characteristic of continental codes. As Hadrowicz (2024) observes, civil-law restitution has historically sought to “translate moral restoration into a rule-bound legal act”, and the Saudi codification exemplifies that transformation. The CTL thus marks a decisive step in reconciling normative equity with statutory predictability.

A key finding concerns the doctrinal separation between undue payment and unjust enrichment. Under the CTL, undue payment operates as a specific corrective mechanism, not as a general enrichment claim. Whereas unjust enrichment remains a residual source of obligation applicable when no other remedy exists, undue payment arises directly from a defective transfer of value. This distinction corresponds to the comparative insight that restitution may function either as a remedy or as an independent obligation (Maitra, 2024). By adopting the latter model, Saudi law confines restitutionary liability to defined transactional contexts, preserving certainty in private dealings while avoiding open-ended equity.

The results also show that the CTL’s formulation diverges from its French and Emirati analogues. The French Code Civil predicates *paiement de l’indu* (undue payment) on error or absence of debt, whereas the UAE Civil Code fuses undue payment with enrichment principles. In contrast, the Saudi legislature isolates undue payment as a self-standing source of obligation, thereby limiting judicial discretion. Hadrowicz (2024) notes that such isolation reflects a “civilian trend toward textual precision at the expense of

judicial creativity”, a tendency now visible in the Saudi model. This comparative divergence substantiates the study’s methodological inference that Saudi law privileges codified certainty over functional assimilation.

Although publicly accessible Saudi jurisprudence interpreting Articles 159–162 CTL remains limited, practitioner reports, and internal case digests indicate that courts and arbitral tribunals have already begun applying the undue-payment provisions in practice. Recent unreported commercial-court decisions have addressed disputes involving overpayment, duplicate transfers, and payments made after contractual termination — treating the absence of lawful cause as sufficient for recovery even where both parties acted in good faith. External academic commentary similarly emphasises that the CTL has only recently codified unjust enrichment, undue payment, and officious intermeddling as independent sources of obligation, and that doctrinal analysis of these provisions remains in an early stage of development (Alshaibani, 2024). This transitional phase of codification and doctrinal consolidation provides the broader context within which the present study’s findings should be understood.

Judicial analysis further reveals ambiguity in applying intent and good faith. Courts differ on whether a payer’s mistake must be proven or whether liability follows automatically from the absence of cause. Some decisions adopt a literal approach consistent with Claassen (2024), who warns that strict doctrinal formalism can obscure equitable outcomes when courts treat restitution as a closed system of logic. Others imply liability from contextual fairness, aligning with Plan (2024), who argues that modern adjudication inevitably engages normative evaluation even within doctrinal reasoning. This interpretive inconsistency indicates a transitional jurisprudence oscillating between positivist formalism and purposive equity.

Finally, the integration of Sharī’ah principles remains implicit rather than operational. Although the CTL borrows vocabulary from Islamic jurisprudence, it omits explicit reference to *maqāṣid al-Sharī’ah* or the moral rationales that historically underpinned restitution. The result is a hybrid framework — ethical in origin yet positivist in method. This outcome confirms Maitra’s (2024) observation that modern restitutionary regimes “derive legitimacy not from theology but from institutional reliability”. Accordingly, Saudi undue-payment doctrine now functions as both a moral echo of Sharī’ah fairness and a codified expression of administrative modernity.

As Peari (2024) observes, the continuing scholarly dialogue on unjust enrichment should not be seen as redundant but as vital to maintaining doctrinal coherence within restitutionary law. This interpretive openness reinforces the analytical foundation of the present study by situating Saudi restitution reforms within the broader conversation on how legal systems reconcile codified precision with equitable flexibility.

Collectively, these findings demonstrate that the CTL establishes a coherent but restrictive restitutionary regime. It distinguishes undue payment from unjust enrichment, enforces codified precision, and channels moral equity through

legislative form. However, judicial inconsistency and the limited articulation of Sharī’ah values reveal that doctrinal consolidation remains incomplete. The results thus illuminate both the modernization of Saudi private law and its unfinished synthesis between ethical origins and positivist form — a synthesis that subsequent sections of this article explore from a normative and policy perspective.

5. DISCUSSION

The findings of this research offer both theoretical and doctrinal contributions to the understanding of restitution in Saudi civil law. The CTL (2023) transforms the classical Sharī’ah principle of *radd al-māl bi-ghayr ḥaqq* — the return of property acquired without lawful cause — into a codified obligation. This process reflects what Vicente (2021) describes as the “comparative migration of moral norms into legal structure”, showing that codification can preserve ethical substance while enforcing systemic precision. The Saudi model demonstrates that modernization is achieved not by rejecting moral foundations but by reorganizing them within a positivist framework of obligations. This transition from *ijtihād* (interpretive reasoning) to *taqrīn* (codified reasoning) parallels earlier moments of Islamic legal transformation, where interpretive fluidity was gradually translated into a stable legislative form. The CTL, therefore, signals not a break with Sharī’ah heritage but its re-expression in a structured legal idiom capable of meeting the demands of contemporary adjudication and commercial certainty.

Doctrinally, the CTL’s clarity enhances predictability but narrows interpretive flexibility. By isolating undue payment from unjust enrichment (Articles 159–162, CTL), the law resolves uncertainty about sources of obligation while limiting judicial discretion. Corletto (2024) explains that such “protective conductio” structures promote corrective justice yet risk rigidity when courts face composite transactions. Saudi courts now encounter similar tension: clarity of text versus the equitable discretion once exercised under Sharī’ah principles. Recent Saudi judgments available through the Ministry of Justice portal already show modest divergence in interpretation — some panels emphasizing literal causation, others invoking broader fairness — illustrating the transitional character of restitutionary reasoning under the new law.

The policy implications extend to education, adjudication, and access to law. Amoo et al. (2024) stress that sustainable legal reform depends on institutional guidance. The Supreme Judicial Council could, therefore, issue interpretive notes clarifying the relationship between undue payment, mistake, and unjust enrichment. Legal curricula should embed these reforms within courses on obligations, linking doctrinal analysis to procedural practice, and parallel regulatory frameworks must maintain coherence between fiscal, monetary, and legal institutions to preserve investor confidence (Awartany & Warrad, 2025). As Vicente (2021) emphasizes, comparative literacy among judges and practitioners anchors consistent application. Kusumadara (2021) adds that internal harmonization — rather than foreign transplantation — is key to

legitimacy. Beyond pedagogy, digital publication of case law would advance transparency and accountability by allowing researchers and litigants to track interpretive patterns. These developments align with Saudi Arabia's Vision 2030 objective of integrating fairness, efficiency, and accessibility into private-law modernization.

The theoretical significance lies in framing undue payment as a hybrid legal norm that unites moral equity with codified predictability. Corletto (2024) argues that modern restitutionary law must operate “between protection and adaptation”. Saudi law illustrates that balance; it converts moral restitution into enforceable rights while retaining its ethical logic. Amoo et al. (2024) further show that comparative jurisprudence gains integrity when doctrinal reasoning is reinforced by institutional capacity — a principle now materializing in Saudi adjudication. This dual structure — moral justification articulated through positive law — echoes the comparative notion of functional equivalence: different legal systems achieving similar fairness outcomes through distinct doctrinal forms. By internalizing this equilibrium, Saudi restitutionary doctrine demonstrates that modernization and authenticity are not competing imperatives but complementary sources of legal legitimacy.

The study's limitations stem from its doctrinal scope. It relies on legislative and judicial sources without field data. Future work should analyze Saudi court judgments and arbitral awards interpreting Articles 159–162 of the CTL to evaluate consistency in defining mistake, intent, and enrichment. It should also trace how judicial reasoning develops as courts internalize the CTL's restitution provisions within Saudi legal culture. Empirical mapping of this evolution — possibly through doctrinal coding or textual analytics — would verify whether codified precision yields predictable outcomes and how it shapes judicial attitudes toward good faith and causation.

At present, publicly accessible Saudi jurisprudence interpreting Articles 159–162 of the CTL remains limited. The doctrinal framework for undue payment is largely statutory rather than jurisprudential. This absence of settled case law is itself significant; it marks the doctrine's early stage of development within Saudi civil law. The analysis offered here, therefore, functions prospectively — outlining how courts are likely to construe undue-payment disputes once judicial practice matures under the new codification.

Such work would remain firmly within the Saudi context, supporting domestic institutional development rather than comparative extrapolation. In conclusion, undue payment emerges as a hybrid pillar of justice and codification in Saudi law. The CTL formalizes moral restitution within a transparent legal system, balancing equity and certainty. Continued interpretive and educational reform will determine whether this equilibrium endures. These findings lead directly into the next section, which distills the study's normative conclusions and policy recommendations for strengthening restitutionary coherence under Saudi civil law.

6. CONCLUSION

This study examines the legal foundations and doctrinal development of the concept of undue payment within Saudi Arabia's CTL (2023), positioning it within both Sharī'ah jurisprudence and comparative civil-law theory. Using the SAMI framework, the study has demonstrated that undue payment functions as far more than a procedural remedy; it is a normative instrument of justice that transforms moral obligation into codified law. The research reveals that Saudi Arabia's recent codification embodies a deliberate effort to reconcile traditional Islamic ethics of fairness and good faith with the structural precision of modern legal systems. In doing so, it contributes to Vision 2030's broader mission of enhancing judicial transparency, strengthening the rule of law, and promoting institutional modernization.

The study's theoretical contribution lies in demonstrating that the codification of undue payment represents a profound translation of moral equity into legal structure. Saudi law now articulates restitution as a distinct cause of obligation, independent from contractual and tortious liability, reaffirming the classical Sharī'ah principle that no one may enrich themselves without lawful cause. This development gives rise to a hybrid model of obligation in which ethical substance is preserved through legal form. It reaffirms the continuity between *ijtihād* — the interpretive reasoning of classical jurisprudence — and *taq'nīn*, the codified reasoning of the contemporary legal state. By embedding moral principles within a coherent legislative system, Saudi Arabia offers an original model of normative integration — a law that is modern in method yet faithful in spirit.

Doctrinally, the research underscores that the clarity achieved by the CTL is both a strength and a challenge. Articles 159–162 provide a comprehensive framework for undue payment; however, early judicial interpretation remains varied. Courts have shown differing approaches to determining intent, mistake, and causation, reflecting the transitional stage of restitutionary reasoning in the Saudi Arabia. Such divergence confirms that statutory clarity must be matched by consistent interpretive methodology if the law is to function predictably and equitably. The findings, therefore, call for continued doctrinal refinement and for institutional mechanisms that foster coherence between legislative design and judicial application.

At the policy level, the research highlights the importance of aligning doctrinal development with educational and institutional reform. Saudi legal education must take a more active role in embedding restitutionary principles within the curriculum of obligations and civil law. Training programs for judges and practitioners should emphasize the functional distinctions between undue payment and unjust enrichment to ensure accurate application. In parallel, interpretive guidance from the Supreme Judicial Council would help harmonize judicial reasoning and foster consistency across decisions. The continuing expansion of digital databases of court judgments will also enhance transparency and enable academic scrutiny, allowing jurisprudence to evolve in

dialogue with scholarship, much as the digitalization of financial transactions has advanced regulatory accountability in the regional banking sector (Doblas et al., 2025). These measures are not only technical improvements but also expressions of the country's broader commitment to the rule of law and fair dealing within an increasingly complex economy.

The research also provides a foundation for future inquiry into how Saudi courts will operationalize restitutionary norms as the CTL matures. Doctrinal content analysis of judgments could illuminate the practical evolution of the undue-payment concept and measure the extent to which judicial reasoning aligns with legislative intent. Empirical examination of court archives and arbitral awards would help assess whether doctrinal precision yields predictable outcomes in practice. Such studies should remain grounded within the Saudi legal context, ensuring that scholarly attention contributes directly to the growth of domestic jurisprudence rather than merely replicating foreign models. The focus should remain on how Saudi institutions internalize restitutionary principles in ways that reflect the nation's legal culture, moral vision, and policy priorities.

Although the present research offers a comprehensive theoretical and doctrinal foundation, it also acknowledges its limitations. The scarcity of specialized academic literature on unjust enrichment and undue payment in Arabic and English limits the breadth of comparative analysis. Moreover, the relative absence of focused teaching on this topic within Saudi law schools

perpetuates gaps in professional understanding. These limitations, however, underscore the urgency of deepening scholarly engagement with restitutionary theory and expanding educational coverage in this field. As Saudi Arabia continues to modernize its civil-law system, sustained academic dialogue is essential to ensure that doctrinal reforms translate into practical justice.

In sum, this study demonstrates that the codification of undue payment represents both a culmination of historical evolution and a new beginning for Saudi civil law. It exemplifies how a deeply rooted moral norm can be articulated as a precise legal duty, offering a model of hybrid modernity that reconciles ethics with administration. The CTL transforms the obligation to return what is not lawfully due from a moral expectation into a binding rule of justice, reinforcing the coherence of the Saudi legal system and its integration within global legal discourse. Its ultimate success will depend on how consistently its principles are interpreted, taught, and applied. This research, therefore, concludes that the law's true strength lies not only in its statutory language but also in the intellectual and institutional commitment to cultivate a jurisprudence that is both faithful to Shari'ah ethics and responsive to the demands of a modern economy. By achieving this balance, Saudi Arabia continues its broader project of legal modernization grounded in fairness, transparency, and enduring moral purpose.

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