

LIMITED LIABILITY / SEPARATE LEGAL ENTITY / LEGAL

ONALITY / DISREGARD OF CORPORATE ENTITY

BOONPISIT SRIHONG : LEGAL LIABILITIES OF MULTINATIONAL CORPORATIONS. THESIS ADVISOR : MR. SUDHARMA YOONAI DHARMA, 124 pp. ISBN 974-583-049-6

This research undertakes to study liabilities associated with a cross-border operation of Multinational Corporations (MNC). Initially, the concept of a separate entity and limited liability was institutionalized by the need to encourage entrepreneurship and minimize risks. The emergence of MNC is contributed in part by additional corporate laws and regulations which provide limited liability benefit to the MNC. Thus, companies that operate across boundary are insulated from various types of liabilities especially for liability "in voluntary creditor". Different jurisdictions have attempted to deal with a problem of thin capitalization without much success. For example, some jurisdictions, notably common law countries, develop a doctrine of piercing a corporate veil to by-pass the limited liability.

This research finds that, by its origin and philosophies, traditional corporate law could not sufficiently deal with Multinational Corporation whose assets and control usually lie outside the country in which it operates. Traditional law of limited liability may be suitable in certain legal environment in a time frame. It may not be suitable to apply to large conglomerate involved in high risk business. In the final analysis, this study undertake to propose a framework and considerations which might be useful to deal with the matter.