

<b>THEMATIC TITLE</b>	PROBLEMS OF LIABILITY OF ENTREPRENEUR FOR UNAUTHORIZED BUSINESS OF ACCOMMODATION RENTAL IN THAILAND : CASE STUDY OF ACCOMMODATION RENTAL THROUGH INFORMATION TECHNOLOGY (AIRBNB)
<b>KEY WORD</b>	ACCOMMODATION RENTAL / ACCOMMODATION RENTAL THROUGH INFORMATION TECHNOLOGY / RESPONSIBILITY OF ACCOMMODATION FOR RENT OPERATOR / REQUESTING PERMISSION OF ACCOMMODATION FOR RENT
<b>STUDENT</b>	SEKSAN NOO-IN
<b>THEMATIC ADVISOR</b>	DR. TRIPETCH JITMAHUEMA
<b>LEVEL OF STUDY</b>	MASTER OF LAWS BUSINESS LAW
<b>FACULTY</b>	SCHOOL OF LAW, SRIPATUM UNIVERSITY
<b>YEAR</b>	2019

### **ABSTRACT**

Tourism industry in Thailand has increased, causing tourists to travel a lot resulting in accommodation rental business for tourism increasing. Thai tourism entrepreneurs, therefore, pay more attention to business operations in the form of information technology market competition has increased considerably. In order to increase business competition that take the package software to act as a medium of connection between the lessee and the lessor until it becomes a rental business via information technology (Airbnb: Air Bed and Breakfast). The tourists prefer to use such services very much because it is convenient to find accommodation is cheap and booking for rooms in tourist destinations can be accomplished in a short time. However, the rental of rooms to tourists through such package software, especially in the part of the lessor, is also considered a breach of laws and these services are unlawful services. It affects the safety of accommodation because such services are not under the supervision of the state and in the operation of the operator for tourists in the past is an act that is not certified by the law of the form of accommodation rent service through information technology. If there is any damage caused by the said service may cause the lessee not has adequate protect.

From study found that the current Airbnb service in Thailand is still not widely known. But in the future, this service business has the opportunity to expand rapidly. For example, in many countries, including the United States of America, the European Union and Japan. In addition, the researcher will focus on the status, legal relation and liability of those involved in providing such services. And consider the problem of exclusion or limitation of liability with the terms of service comparing with the laws of Japan and the United States of America, San Francisco State. It found that the service of Airbnb in Thailand even though there are three parties, namely, lessor, Airbnb and tourists who rent rooms. In fact, the main contract arising from the said service is only one contract, it is contract between Airbnb companies and lessee only according to the nature of the lease contract. Because according to true intent the lessee intends to enter into a contract with the lessor, not the Airbnb. And in the rental of room through the package software that the lessor is the provider of that service. Considering that Airbnb is tourist service provider as a straw man of the lessee. Causing the legal relation between Airbnb and the lessor to be in accordance with the nature of the agent contract. Airbnb often denies liability for the lease contract.

Therefore, the researcher proposed a solution by proposing legislate specific law is control the business on allocate room. And proposed to determine legal relation between the service provider and the lessor via package software in order to comply with the principles of the main contract and agents. Moreover, amend the liability of the company or Airbnb operator to increase the safety of tourists and the lessee. The lessee and the lessor are fairly protection which will benefit to the protection of domestic tourism.