

Same-Sex Marriage Legalized in Thailand

On 24th September 2024, the Royal Thai Government Gazette published the Act on Amendment to the Civil and Commercial Code (“CCC”) (No. 24) B.E. 2567 (“Act”) to legalize same-sex marriage. The Act makes Thailand the first Southeast Asian nation to recognize and protect the rights of same-sex couples. The Act will come into effect from 22nd January 2025.

The key provisions of the Act in relation to rights and duties of same-sex couples are as summarized below.

1. Gender-specific terms when used as such in laws, rules, regulations or official forms of documentation are replaced with gender-neutral terms. For example, “husband” and “wife” are replaced with “spouses,” and “man” and “woman” are replaced with “persons,” to ensure equality for all individuals regardless of their gender.
2. Same-sex couples who have reached 18 years of age can legally proceed with betrothal and registration of marriage. As a result of the marriage registration, same-sex spouses can jointly adopt children and inherit from each other as legal heirs.
3. Upon marriage registration, same-sex couples can exercise rights and also are subject to the duties outlined in the CCC provision on family as amended by the Act, including rights to cohabit and support each other, jointly manage matrimonial property or obtain a consent from the other spouse for certain matters specified by law, file a lawsuit with the court for divorce under the permitted grounds.
4. Either spouse can claim compensation from a person who has committed adultery with the other spouse or from a person who openly shows a relationship of an adulterous nature with the other spouse (on 18th June 2024, the Constitutional Court ruled in its Judgment No. 13/2567 that Section 1523, paragraph two, of the CCC violated Section 27 of the Constitution of the Kingdom of Thailand because it allows a husband to claim compensation from “anyone” who had an adulterous relationship with his wife, while a wife’s right to claim compensation was limited to claims against women only, resulting in unequal treatment).
5. Same-sex couples are also entitled to other legal rights, such as the right to give consent for their spouse’s medical treatment under the National Health Act B.E. 2550, as well as benefits under social security laws in case of the insured person’s death, and personal income tax deductions under the Revenue Code.

However, the CCC as amended by the Act will not apply in case where there are provisions of law on family or inheritance under other specific laws.

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AUTHOR



Kowit Somwaiya
Senior Partner & | Bangkok
kowit.somwaiya@lawplusltd.com



Warawut Aroonpakmongkol
Associate & | Bangkok
warawut.aroonpakmongkol@lawplusltd.com

LawPlus Ltd.

Unit 1401, 14th Floor, Abdulrahim Place 990
Rama IV Road, Bangkok 10500, Thailand
Tel: +662 636 0662
Fax: +662 636 0663

LawPlus Myanmar Ltd.

Unit No. 520, 5th Floor, Hledan Centre
Corner of Pyay Road and Hledan Road, Kamayut Township,
Yangon, Myanmar
Tel: +95 (0)92 6111 7006
and +95 (0)92 6098 9752