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# **“THE RAINBOW REVOLUTION: A COMPARATIVE LEGAL STUDY OF SAME-SEX MARRIAGES ACROSS NATIONS”**

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## **ABSTRACT**

This article explores the global journey toward the legalization of same-sex marriage, a phenomenon we term the "Rainbow Revolution," through a comparative legal lens. Historically confined to heterosexual unions, the institution of marriage has undergone profound changes across numerous jurisdictions worldwide, reflecting dynamic societal understandings of equality, dignity, and fundamental human rights. This article systematically examines the diverse legal ways that nations have navigated to achieve this equality, effectively distinguishing between processes driven by judicial activism, comprehensive legislative reform, and direct popular mandates. By comparing landmark case laws, statutory enactments, and constitutional interpretations across varied legal systems, this article explains the intricate socio-political dynamics that shaped their outcomes. Ultimately, it aims to provide a nuanced understanding of the differing legal frameworks, the significant challenges overcome, and the enduring implications this movement holds for LGBTQ+ rights globally. This comparative perspective offers valuable insights into how legal systems adapt to calls for broader inclusion and underscores marriage's enduring significance as a fundamental social institution.

**Keywords:** Same-Sex Marriage, Equality, Legalization

## **INTRODUCTION**

"Why is it that, as a culture, we are more comfortable seeing two men holding guns than holding hands?" - Ernest Gaines

The term "same-sex marriage" has remained a widely debated topic for quite a while now. Marriage being the most fundamental and universally recognized social institution provides a sense of legal recognition and protection to the couples under this institution. Now the real

quest exists as to how far can the umbrella term of “marriage” be stretched. Same-sex couples are the individuals who share the same gender identity and not necessarily the one assigned at birth. The following sets of people are covered under the ambit of same-sex couples: Lesbian couples (two women), Gay male couples (two men), Bisexual individuals in relationships with someone of the same gender, Transgender individuals in relationships with someone of the same gender identity (e.g., a transgender woman with a cis-gender woman), Non-binary individuals in relationships where both partners share a similar gender identity or gender presentation.

Marriage is the basic institution of society. According to the principle of equality everyone should have an equal right to participate in the institution of marriage. Marriage serves legitimate interests of the couple. The relationship of a married couple typically involves three elements: sexual intimacy, domestic and economic cooperation, voluntary mutual commitment to sustain relationship.<sup>1</sup> The benefits that couple derive from marital relationship might include emotional support, financial benefits, stability and security, social benefits, personal growth, raising a family, health benefits etc. Legal status of marriage as social meaning is connected to legal status. Laws excluding same sex couples from marrying are prima facie violation of equality. It is considered as unjust form of discrimination. The right to marry must be specified as right to marry the person with whom you share the serious desire to make a commitment irrespective of that person’s race or sex. The state refusal to recognize same-sex marriages violates the right to marry, which the Supreme Court inferred from the Due Process Clause in *Loving v. Virginia* which invalidated state laws prohibiting different-race marriages in response to arguments that they violated African Americans' right to equal protection and interracial couples' due process right to marry. Subsequent cases have emphasized that the freedom to marry the person of one's choosing stands as a fundamental due process right recognized for poor people and even prisoners and that this right can only be abridged to further an important or compelling state interest. In addition, gay legal theorists and feminists have argued that by prohibiting same-sex marriage, states engage in sex discrimination, thereby violating the federal Equal Protection Clause and state equal rights amendment.<sup>2</sup>

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<sup>1</sup>The Journal Of Political Philosophy, volume 7, number 3, 1999, pp. 225-242 “The fundamentals arguments for same sex marriage” Ralph Wedgewood

<sup>2</sup>(Sylvia A. Law, Homosexuality and the Social Meaning of Gender, 1988 Wis. L. Rev.187, 218-21, 230-33; Claudia A. Lewis, Note, From This Day Forward: A Feminine Moral Discourse on Homosexual Marriage, 97 Yale L.J. 1783 (1988))

## INFRINGEMENT OF RIGHTS

### *1. Right to equality and non discrimination*

Denial creates unreasonable legal inequity by treating same-sex couples differently than heterosexual spouses based only on sexual orientation. It is also mentioned in Article 14 of the Indian Constitution, Article 26 of International Covenant on Civil and Political Rights.

### *2. Right to Privacy and Family Life*

Article 17 of International Covenant on Civil and Political Rights. Article 21 of Indian constitution prevents couples from legally forming and protecting a family, intruding upon private, consensual personal relationships.

### *3. Right to Dignity<sup>3</sup>*

Denial implies that same-sex relationships are inferior or unworthy of legal status, undermining the inherent **dignity<sup>4</sup> of individuals**.

Constitutional Court held that denying marriage to same-sex couples was a violation of equality and dignity<sup>5</sup>

### *4. Right to Marry and start a family*

Article 16 of Universal Declaration of Human Rights (UDHR). article 23 of International Covenant on Civil and Political Rights. : Excludes individuals from accessing a fundamental institution of society based on sexual orientation.

### *5. Right to legal protection and benefits*

Same sex couples are denied legal benefits attached to marriage such as inheritance rights, joint adoption rights, tax benefits, health hospital visitation rights, pension and insurance rights.

### *6. Right to freedom from inhumane and degrading treatment*

Article 7 of International Covenant on Civil and Political Rights. Article 3 of European convention of human rights.

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<sup>3</sup> Obergefell v. Hodges (U.S. Supreme Court, 2015)

<sup>4</sup> **Goodwin v. United Kingdom (ECHR, 2002)**

<sup>5</sup> Minister of Home Affairs v. Fourie (South Africa, 2005)

### 7. Right to freedom of expression and identity

Prevents individuals from expressing their sexual orientation through legal union, infringing on **personal autonomy and identity**.

## CURRENT INDIAN SCENARIO

The very basic rights of the LGBTQ community has been gained through a long run legal battle in our country. The below mentioned cases are a true testament of the obstacles that this community had to go through just to have the basic rights in the society. Decriminalization of Section 377, Indian Penal Code in *Naz Foundation V Government of NCT of Delhi*.<sup>6</sup> Decriminalization of consensual homosexual acts between adults, ruling Section 377 unconstitutional for violating fundamental rights like equality and liberty in *Suresh Kumar Koushal v. Naz Foundation*.<sup>7</sup> Overturned the Delhi High Court's ruling, reinstating the criminalization of consensual same-sex acts. The Court stated that this legislative change was Parliament's domain. Unanimously decriminalized consensual homosexual acts between adults, overruling its 2013 decision. The Court affirmed constitutional morality, dignity, and privacy for the LGBTQ+ community in *Navtej Singh Johar v. Union of India*.<sup>8</sup>

*Same-sex Marriages in India:* Following the decriminalization of homosexuality in India, LGBTQ+ promoters promptly shifted their focus, earnestly petitioning for the legalization of same-sex marriage. Their core legal argument, often voiced in cases under the Special Marriage Act, asserts that the Indian Constitution's guarantees of equality, non-discrimination, and personal liberty (Articles 14, 15, and 21) must unequivocally extend to same-sex couples. However, the Indian government has consistently resisted this call, explicitly opposing such petitions (e.g., in 2020). Their stance is grounded in the view that marriage, culturally and legally in India, is fundamentally a union between a man and a woman, primarily for procreation. Additionally, opponents frequently argue that Indian society, with its deeply ingrained cultural and religious values, is not yet prepared for such a significant redefinition. The deeper understanding of the Indian stance towards the legalisation of same-sex marriages can be understood with the help of this recent Supreme Court judgement. The *Supriyo @ Supriya Chakraborty & Anr. v. Union of India*<sup>9</sup> case, decided by the Supreme Court of India

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<sup>6</sup> (2009) 160 DLT 277 (Del)

<sup>7</sup> (2014) 1 SCC 1

<sup>8</sup> (2018) 10 SCC

<sup>9</sup> (2023) 10 SCC 1

on October 17, 2023, was a highly anticipated and complex judgment regarding the legal recognition of same-sex marriage. It involved multiple petitions seeking to extend marriage rights to queer couples, primarily under the Special Marriage Act, 1954.

*The Bench and the Verdict:* This significant matter was heard by a five-judge Constitution Bench of the Supreme Court, composed of Chief Justice D.Y. Chandrachud, Justice Sanjay Kishan Kaul, Justice S. Ravindra Bhat, Justice Hima Kohli, and Justice P.S. Narasimha. The final decision was nuanced, marked by a 3:2 split on the core question of whether the judiciary could grant marriage equality, with separate but largely concurring opinions from the judges.

*Key Legal Holdings and Their Impact: No Unqualified Fundamental Right to Marry (Unanimous):* All five judges unanimously agreed that, under the Indian Constitution, there is no absolute or unqualified fundamental right to marry. While they firmly upheld the fundamental right to choose a partner, engage in a relationship, and cohabit, they distinguished this from a legally enforceable right to the institution of marriage itself. This crucial distinction meant the Court would not compel the State to recognize same-sex marriage as an inherent constitutional right.

*Judicial Restraint and Legislative Domain (Majority View - 3:2):* The majority (Justices S. Ravindra Bhat, Hima Kohli, and P.S. Narasimha) held that the Supreme Court's role, guided by the doctrine of separation of powers, did not permit it to "read into" or create a new legal framework for same-sex marriage within existing statutes. They emphasized that defining, amending, or expanding the institution of marriage, along with its extensive associated rights (like adoption, inheritance, and divorce), is fundamentally a legislative function of Parliament. They effectively deferred this critical issue back to the legislative branch. This majority also declined to extend joint adoption rights to unmarried queer couples, reiterating that such provisions require statutory enactment.

*Call for Civil Unions and Non-Discrimination (Minority View - 2:3):* The minority (Chief Justice D.Y. Chandrachud and Justice Sanjay Kishan Kaul) took a more activist stance. While agreeing that there was no fundamental right to marry, they argued that the State has a positive obligation to ensure non-discrimination. They advocated for the legal recognition of "civil unions" or similar frameworks for same-sex couples, urging the State to ensure these relationships receive the same "bouquet of benefits" and protections available to heterosexual

married couples. They viewed the non-recognition of such unions as discriminatory under constitutional principles (Articles 14, 15, and 21) Chief Justice Chandrachud specifically recommended that the Union Government establish a high-level committee to examine and ensure that queer couples are not discriminated against in accessing social, legal, and economic benefits.

The Supriyo Chakraborty judgment was a moment of significant constitutional discourse, yet it delivered a complex and, for many, a bittersweet outcome. The Supreme Court, in a 5-judge bench, unanimously affirmed the dignity and the right to relationship for same-sex couples, building on the Navtej Singh Johar verdict. However, the Court, by a 3:2 majority, ultimately concluded that defining and establishing the institution of marriage for same-sex couples falls squarely within the purview of Parliament, not the judiciary. While the Court acknowledged the clear need for legal recognition of queer unions to ensure equality, it stopped short of directly mandating same-sex marriage or even civil unions, effectively returning the legislative responsibility to the Indian government. The dissenting opinions, however, powerfully articulated the constitutional imperative for the State to provide a comprehensive legal framework for queer relationships, thereby pushing the conversation forward and underscoring the ongoing demand for full equality. The judgment, therefore, serves as a strong judicial nudge for legislative action, rather than an immediate legal mandate for marriage equality.

## **INTERNATIONAL SCENARIO:**

### **EUROPE**

As of today, 22 European countries have legalised same sex marriage and additionally 10 countries accept some form of civil union. This includes United Kingdom, Switzerland, Ireland, Iceland, Norway, Sweden, Spain, Portugal, Netherlands, Malta, Finland, France, Germany, Belgium, Austria, Denmark, Greece, etc The Court ruled that it is against the convention to exclude same-sex couples from forming a civil union, which is a formal form of relationship that is open to opposite-sex couples.<sup>10</sup> The court went further and established a positive obligation upon member states to provide legal recognition for same-sex couples. Italy thus breached the convention; it eventually implemented civil unions in 2016. The decision set a precedent for potential future cases regarding the 23 member states, certain British and Dutch territories, and the states with limited recognition (excluding Kosovo), that

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<sup>10</sup> Vallianatos and Others v Greece (7 November 2013)

currently do not recognize same-sex couples' right to family life.<sup>11</sup> The European Court of Human Rights decided that the European Convention on Human Rights does not oblige member states to legislate for or legally recognise same-sex marriages. However, the Court, for the first time, accepted same-sex relationships as a form of "family life"<sup>12</sup>

## NETHERLANDS

On **September 12, 2000**, the House of Representatives passed a measure legalizing same-sex marriage by 109 votes to 33, and on December 19, 2000, the Senate passed the same law by 49 votes to 26. On December 21, 2000, Queen Beatrix gave her royal approval to the bill, which became operative on April 1, 2001. Since April 1, 2001, same-sex marriage has been permitted in the Netherlands. The first nation to allow same-sex marriage was the Netherlands. According to polls, a sizable majority of Dutch citizens are in favor of same-sex marriage becoming legalized. In the Netherlands, there have been more than 18,000 same-sex marriages since 2001 and about 53% of them between two women, according to the Dutch Central Bureau of Statistics.<sup>13</sup>

## SOUTH-AFRICA

South Africa is the fifth country in the world to have legalised same-sex marriage. The case of *Minister of Home Affairs V Fourie and another; Lesbian and Gay equality Project and Others V Home Affairs and others*, is a landmark decision by the constitutional court of South Africa on marriage rights of same-sex couples. This was ruled on 1<sup>st</sup> December, 2005. Subsequent to this decision, the Civil Union Act came into force on **30<sup>th</sup> November 2006** which provides for opposite-sex and same-sex civil marriages, religious marriages and civil partnerships. The nine judges who heard the case<sup>14</sup> unanimously agreed that same-sex couples had the right to marry. As a result, they ruled that the common-law definition of marriage was unconstitutional and invalid insofar as it denied same-sex couples the same status, benefits, and responsibilities that were granted to heterosexual couples. They couldn't agree on a solution. To give Parliament time to fix the flaw, the majority decided to postpone the declaration of invalidity for a year. The removal of the words "or spouse" following the words "or husband" from section 30(1) of the Marriage Act was likewise deemed to be unconstitutional to the extent of the contradiction.

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<sup>11</sup> *Oliari and Others v Italy* (21 July 2015)

<sup>12</sup> *Schalk and Kopf v Austria*

<sup>13</sup> The Dutch Went First In 2001; Who Has Same Sex Marriage Now? By David Crary And Mike Corder

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<sup>14</sup> *Minister of Home Affairs V Fourie and another* [2005] ZACC 19

To give Parliament time to fix the flaw, the declaration of invalidity was once more put on hold for a year.

Justice Albie Sachs wrote:

“The exclusion of same-sex couples from the benefits and responsibilities of marriage, accordingly, is not a small and tangential inconvenience resulting from a few surviving relics of societal prejudice destined to evaporate like the morning dew. It represents a harsh if oblique statement by the law that same-sex couples are outsiders, and that their need for affirmation and protection of their intimate relations as human beings is somehow less than that of heterosexual couples. It reinforces the wounding notion that they are to be treated as biological oddities, as failed or lapsed human beings who do not fit into normal society, and, as such, do not qualify for the full moral concern and respect that our Constitution seeks to secure for everyone. It signifies that their capacity for love, commitment and accepting responsibility is by definition less worthy of regard than that of heterosexual couples.”

## **NEW ZEALAND**

The concept of same-sex marriages have been legal in New Zealand since **August 19, 2013**. The decision wasn't a cliff hanger in their Parliament; the bill to make it legal and passed quite comfortably on April 17, 2013, with 77 votes in favour and only 44 against. It then received the formal "royal assent" just two days later. They actually waited a few months, until August, to fully implement it, just to give the government departments time to update all the marriage licensing and paperwork. This move really put New Zealand on the map as a leader. They were the first country in Oceania, fourth in the Southern Hemisphere, and the fifteenth worldwide to allow same-sex couples to tie the knot. New Zealand was already quite progressive, having offered civil unions to *all* couples, regardless of gender, since 2005. While this law applies to New Zealand itself and its small piece of Antarctica (the Ross Dependency), it doesn't extend to a few other places that are part of the broader 'Realm of New Zealand' – namely the Cook Islands, Niue, and Tokelau. These territories still don't recognize same-sex marriage or civil unions.

## THE UNITED STATES OF AMERICA

The advent of the legalization of same-sex marriages in this country dates back to the year 2004 when Massachusetts became the first state to give legal recognition to this form of marriage. The Supreme Court here in a previous judgement had stated that the right to marriage is fundamental right and it extends to any person you love irrespective for their sexual identity. This judgement had somehow paved the way for the legal recognition of same-sex marriages. This idea actually stems from an older civil rights case from 1967 about interracial marriage – meaning the law has to treat everyone equally. Things really kicked off in the '90s with some key court cases, which then actually led to the federal government trying to *block* same-sex marriage with something called DOMA. But, as public opinion started swinging more and more towards support, that law eventually got struck down in 2013. So, in the U.S., same-sex marriage became fully legal nationwide in 2015, all thanks to a big Supreme Court case called *Obergefell v. Hodges* (6 576 U.S. 644 (2015), available at: <https://supreme.justia.com/cases/federal/us/576/644/>, last visited on: 17 March 2025). "The Supreme Court, in a narrow 5-4 vote, determined that the right to marry is a basic liberty inherent to every individual, and therefore shielded by the Constitution. This ground-breaking judgment effectively eliminated all state laws that banned same-sex marriage or refused to recognize these marriages if they were legally performed in other states. "This ruling essentially said that the "Constitution gives same-sex couples the right to marry, ensuring they get the same legal protections and rights as anyone else. It was a huge moment for LGBTQ+ rights, making marriage equality a reality across the whole country." The basis of this landmark judgement was the principle of due process and equal protection under the 14<sup>th</sup> amendment of the US constitution. Public support for same-sex marriage steadily increased, reaching 70% by 2021. Research indicates that legalizing same-sex marriage also led to a significant decrease in suicide attempts among LGBTQ+ youth.

## AUSTRALIA

Same-sex marriage in Australia has been legal since **9<sup>th</sup> December 2017**. Senator Dean Smith, a backbencher for the Liberal Party who is openly homosexual, presented the *Marriage Amendment (Definition and Religious Freedoms) Act 2017*. Section 5 of the Marriage Act was altered by the bill to define marriage in Australia as the union of two people. Additionally, it lifted the prohibition on Australian recognition of same-sex weddings from other countries, including those that took place before to the legislation change. Furthermore, religious celebrants, ministers of religion, and organizations founded for religious reasons were

protected by the statute from being forced to perform or provide services and facilities for marriages they oppose. On November 29, 2017, the measure was approved by the Senate and on December 8, 2017, the measure was granted royal assent and became operative on 9<sup>th</sup> December 2017. On that day, same-sex marriages that were legally consummated abroad were immediately recognized, and on January 9, 2018, the first weddings were held following the customary one-month waiting period.

## THAILAND

Thailand achieved a significant legal milestone, officially legalizing same-sex marriage as of **December 19, 2024**, following its publication in the Royal Gazette after receiving royal endorsement. This landmark development culminated years of sustained advocacy for equal rights within the nation's legal framework. Historically, Thai law did not recognize same-sex unions, denying these couples critical legal protections and benefits afforded to heterosexual marriages, despite a generally tolerant cultural environment for LGBTQ+ individuals. The legislative push gained momentum from human rights groups, transitioning from initial considerations of "civil partnerships"—deemed by many as a "separate but unequal" status—to advocating for full marriage equality. The legislative process involved extensive parliamentary debate and overwhelming approval of a comprehensive bill. This broad consensus underscored a significant societal shift. The new law grants same-sex couples the identical legal rights, responsibilities, and protections as heterosexual married couples, encompassing areas like inheritance, adoption, health-care, and property rights. By enacting this legislation, Thailand became the first country in Southeast Asia to establish full marriage equality, setting a precedent for comprehensive legal inclusion based on the principle that the recognition of love and partnership should be universally applied.

## SUGGESTIONS

A multifaceted strategy that strikes a balance between social transformation, constitutional principles and legislative clarity is needed to legalize same sex marriages. First and foremost to ensure adherence to fundamental rights like equality, non discrimination and personal liberty, marriage rules must be changed or interpreted to include same sex couples. Legislative reforms, such as introducing a gender-neutral marriage bill, would remove legal ambiguity and affirm the right of all individuals to marry regardless of sexual orientation. Following decisions such as Navtej Singh Johar v. Union of India, the court can also play a significant role by maintaining inclusive interpretations of the current constitutional provisions. Campaigns for

public awareness and sensitization are also vital in the fight against social stigma and the promotion of acceptance. The media, educational institutions, and civic society should also support these endeavors. Achieving true equality requires that same-sex couples have equal access to legal benefits including adoption, inheritance, spousal health-care, and immigration rights. Although religious freedom must be maintained, discrimination at public places shouldn't be justified by it. The moral and legal case for marital equality is further strengthened when national laws are brought into compliance with international human rights norms, such as the Universal declaration on Human Rights and International covenant on civil and political rights. While a wider consensus for full marriage rights is being developed, the creation of civil unions or registered partnerships may offer crucial legal safeguards as a stopgap. In order to promote fairness, inclusiveness, and dignity for all couples regardless of gender or sexual orientation these legislative and policy measures must be complementary to one another.

## CONCLUSION

To sum up, legalizing same-sex unions is an important step in guaranteeing equality, respect, and nondiscrimination in contemporary legal frameworks. Countries all over the world that have recognized same-sex unions show how human rights are being acknowledged and how important it is to set up legal frameworks that take into account societal diversity. Many countries continue to deny same-sex couples the legal and social recognition that heterosexual unions enjoy, despite notable advancements brought about by both legislative reforms and court rulings. In addition to violating fundamental rights, this also upholds legal injustice and social marginalization. Moving forward, a combination of constitutional interpretation, inclusive lawmaking, public education, and adherence to international human rights obligations is essential. Thus, legalizing same-sex marriage is not just about changing laws it is about affirming the equal worth of all individuals and upholding the foundation values of justice, liberty, and human dignity in every society.

## REFERENCES

- [1] Wedgwood, R. (1999). *The fundamental arguments for same-sex marriage*. **The Journal of Political Philosophy**, 7(3), 225–242.
- [2] Law, S. A. (1988). Homosexuality and the social meaning of gender. *Wisconsin Law Review*, 1988(2), 187, 218–221, 230–233.

- [3] Lewis, C. A. (1988). From this day forward: A feminine moral discourse on homosexual marriage. *Yale Law Journal*, 97(7), 1783–1808
- [4] Crary, D., & Corder, M. (2021, April 1). The Dutch went first in 2001; Who has same-sex marriage now? *Associated Press*.
- [5] Human Rights Campaign. (n.d.). *Marriage equality around the world*.
- [6] Pew Research Center. (2025, June 2). *Same-sex marriage around the world*.
- [7] **Vanita, R. (2005).** *Love's rite: Same-sex marriage in India and the West*. Palgrave Macmillan.
- [8] **Kohm, L.-M., & Strasser, M. (Eds.). (2006).** *Same-sex marriage: Personal and political*. Rowman & Littlefield Publishers.

