

## Family Property Law: A Comparative Case Study between Lao PDR and Thailand

Khamphiou Vilayphone<sup>1</sup> , Chitaporn Pisolyabutravisetkul<sup>2</sup> , Daranee Saengnil<sup>3\*</sup> 

<sup>1</sup> National University of Laos, Vientiane Lao PDR, k.vilayphon@nuol.edu.la

<sup>2</sup> Burapha University, Thailand, chitaporn@go.buu.ac.th

<sup>3</sup> NKhon Kean University (Nong Khai Campus), Thailand, daransa@kku.ac.th

\* Corresponding Author, © Authors

### Abstract

Societies continually experience conflict over property, specifically marriage property, which sometimes arises through apparent hypocrisy in property law. Disputing spouses and their legal representatives constantly seek to manipulate an interpretation or loophole of law to exploit others out of land or material gain through other financial/status advantages. Many property conflicts, specifically those among married couples of various countries, often present within courtroom auspices in family law. The purpose of this study was to compare the civil code of family law between The People's Democratic Republic of Lao and Thailand - specifically, property division between husband and wife after separation. Underpinned by the theory of natural rights the qualitative findings support recommendations to reduce conflicts before they reach a court. Specifically, the study examined the two nations' family law history, concepts, and theories related to property division between a husband and wife. The qualitative research approach utilized secondary source documents and literature to inform the comparative content analysis. The findings confirm the historical linkage between Thai and Laos traditions of property ownership, resulting in their many legal similarities. The origins of family law have been passed down from generation to generation, evolving into the contemporary practices of each nation-state. Although both countries broadly adhere to 'property ownership principles' for dividing property between a husband and wife, they differ in how each State deems property pre- and post-marriage. In both countries, property owned by an individual pre-marriage and that willed or bequeathed to such individual during the marriage is categorized as "original" property (initial property or Sing Suan Tua). In contrast, marital property (Sin Som Sang) is co-jointly amassed during the marriage. Here, however, the bilateral similarity stops. While Thai family law retains the founding principle of property ownership rights, Lao Family Law, Section 168, stipulates that the "original property" becomes "marital property" whenever such original property is renovated exceeding a value two-thirds of the original value, specifically using assets of the other spouse. This distinct deviation in Lao Family Law from the founding principle of property ownership appears soon after the explosion of the French Protectorate of Laos 1893-1975. This provision, however, seemingly promotes less equity among the disputing parties in Lao, acting as an injustice to the owner of the original property. The findings support a recommendation that Section 168 of the Lao Family Law Act be repealed (specifically, paragraph 3, which conflicts with ownership theory) to be replaced by Lao "customary principles of property ownership", aligning with neighboring Thailand's "equity property rights".

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## Definitions:

**Lao PDR** is the globally common expression representing The Lao People's Democratic Republic.

**Lao PDR Civil Code:** This instrument, dated 6 December 2018 supports statutory authority over all aspects of the Lao communist society and describes, via Acts, Articles, Sections, and Sub-sections, the expected behaviors and conditions under which persons should live to maintain a civil society.

**Lao Family Law Act 2008:** This instrument supports statutory authority over all aspects of Lao Family Law, specifically through various Articles.

**Thai Civil and Commercial Code:** This instrument, dated 1 October 1935 supports statutory authority over all aspects of Thailand's democratic society and describes, via Articles, Sections, and Sub-sections, the behaviors and conditions under which persons should live to maintain a civil society.

**Thai Family Law Act 1935:** This instrument supports statutory authority over all aspects of Thai Family Law, specifically through various Articles.

**Lao PDR Marriage (Thag Dong):** Article 150 of the Lao Civil Code charter 3 (marriage conditions and regulations of marriage) states for a man and woman to marry, they shall exhibit the following conditions:

1. be at least 18 years of age
2. commit to love, agreement, and willingness to live as a couple
3. be single, divorced or widowed with certifying documentation.

**Property of Husband-and-Wife:** Article 166 (Lao civil code charter 5 (estates of the spouse) refers to the estates of a spouse consisting of initial and inherited assets (Sin Suan Tua) or marriage assets (Sin Som Ros).

**Original property (Sin Suan Tua):** Article 167 states Initial assets are properties owned by

the husband or wife before marriage or acquired through inheritance, bequeath or bestowed to specifically either the husband or the wife after marriage and existing in its original forms or transformed into other assets.

**Repairs to original property (of either party):** Lao civil code charter 5 (estates of the spouse) If one party uses their original assets to repair the other party's original asset, exceeding two-thirds of its value, such repaired property is now considered marital property.

**Marital property (Sin Som Ros):** Article 168 (Lao civil code charter 5 (estates of the spouse) states that marriage properties are those acquired by the spouse in common during their married life, except for low-value and personal assets. Further, Section 1470 declares Sin Som Ros is all property of spouses except those set aside as Sin Suan Tua.

**Under Section 1471(Thai Civil and commercial code) chapter 5 Family Law Act), Sin Suan Tua** consists of:

1. Property belonging to either spouse before marriage.
2. Property for personal use, dress or ornament suitable for station in life, or tools necessary for carrying on the profession of either spouse.
3. Property acquired by either spouse during marriage through a will or gift.
4. Property given to the woman as an engagement gift or betrothal pre-marriage (Khong-man).

Under Section 1472, if Sin Suan Tua has been exchanged for another property or new property bought, or money has been acquired from a sale, such other property or money acquired shall be Sin Suan Tua. Where Sin Suan Tua is totally or partly destroyed but replaced by other property or money, such other property shall be Sin Suan Tua under Section 1473, each spouse manages their Sin Suan Tua.

**Total income (Sin Som Sang):** In comes either spouse receives while living together, married, or separated.

**Equity property:** Section 146 states that things temporarily fixed to land or buildings do

not become part of the land or building. The same rule applies to a building or other structure fixed to the land by the person who has the right to exercise a right over another person's land.

**Table 1**

*Comparative terms and definitions*

Legal Instruments	Lao PDR	Thailand
Constitution Enactment	[Insert Date]	[Insert Date]
Statutory Code	Civil Code	Civil and Commercial Code
Governing Act	Lao Family Law	Thai Family Law
Marriage (local terms)	Sin Som Sang (Thag Dong)	Sin Som Ros
<b>Property Definitions</b>		
Original Property	Sin Suan Tua	Sin Suan Tua
Marital Property	Sin Som Sang	Sin Som Ros
Equity Property	Integrated assets	Component of property
Total Income	Sin Som Sang	Sin Som Ros
Engagement (pre-marriage contract)	Khong-man	Khong-man

Source: Author

## Introduction

This research proffers that post-marital property sharing between husband and wife in Lao PDR does not uniformly follow the general principles of ownership that prevail in neighboring Thailand. Therefore, this study seeks to find the problem and present a solution regarding the equitable sharing of property following a divorce in Lao PDR.

In considering the dilemma, several specific ownership principles must be explored: John Locke’s theory of natural rights(Cole & Whiting, 2024; Locke, 1689); customary principles of property rights. Thailand’s capitalist perspectives on property rights on civil and commercial code

(1908) (Khaowichit, 1976) and the Lao PDR’s socialist perspectives on property rights on civil code of Lao (2012) (Ministry of justice, 2021).

Since the creation of the Lan Xang Kingdom<sup>1</sup>, problems have arisen over the sharing of post-marital assets between the former husband and wife. According to localized customary law, property is divided between husband and wife by separating assets into original property (Sin Suan Tua) and marital property (Sin Som Ros). Any property owned before marriage is considered the original owner's property. As for any assets acquired or earned together as husband and wife, the new asset is marital income/wealth (Sin Som Sang).

<sup>1</sup> A kingdom of the Lao people encompassed the entire area of Laos and some areas in the northeastern region of Thailand. The Lan Xang Kingdom was prosperous in politics, government, arts and culture, and Buddhism, which developed alongside other nearby kingdoms, including Lanna, Siam (Thailand), Burma, and Khmer, from 1353. However, in 1778, it finally lost its independence to the Kingdom of Siam (Thailand). Therefore, the traditional customs of Lao PDR are like those of Thailand, such as marriage. Herein, the patriarchal traditions have the man as the head of the family and property management, even after marriage. Males also commonly had many wives, with the first recognized as the royal wife and subsequent unions as small or minor wives.

If there is a divorce, the assets in the Sin Som Sang portion should be shared equally (Apirat Petchsiri, 2016: 204). As a principle of dividing property between husband and wife, this customary practice has been a long-held tradition among many democratic world societies, including modern Thailand and the former French Protectorate of Laos (1893-1975).

However, in 1975 there was a change in the political regime of Lao whereby the French colonists were expelled, and the new rule established the Lao People's Democratic Republic under a socialist legal system. Accordingly, the first constitution of the Lao PDR was adopted in 1990 (Laos take the customary law and old traditional between 1975-1990) setting out new laws over many societal functions, not least principles of property ownership (Petchsiri, 2016). Specifically, but not exclusively, marriage-related land division would fall under the purview of the family law, which was formed in 1991. Notwithstanding, the meaning of property (assets)-original and marital - was not sufficiently defined. Subsequently, the Lao PDR Family Law Act was revised through the Lao PDR Civil Code in 2008, with a further revision in 2019.

Herein, family law definitions were gazette through Part 3 of the Lao PDR Civil Code, providing technical clarification of family relationships as divided into various categories, starting with engagement, proposal, marriage, and finally, registration. Part 3 describes explicitly the rights and duties of a husband and wife through marriage, the processes following the separation of a married couple, the relationships between the family (father, mother and children), and the wealth prior and accumulated wealth of the husband and wife. Although both Lao (and Thai) customary laws accommodated a man's marriage to many women, the minor (small) wives were treated differently than the royal (primary) wife.

The law specifies a clear division of assets between husband and wife, divided into the original property (property of either spouse that existed before the registration of marriage), marital property (assets that arise after the marriage registration), as well as assets or interests accrued from the original assets and those acquired during the life of husband and wife. Such a division of assets between the said husband and wife was proposed to eliminate the problem of wealth sharing between a former husband and wife. While the law brings technical clarity to ownership rights, it does not stop practice deviations, either overtly or covertly, that still present as legal problems (challenges) surrounding property separations upon the dissolution of marriages. Specifically, paragraph 3 of Article 168 in the Lao Civil Code states: In the case of repairs to the original property of either party in a value exceeding two-thirds of the original value of the repaired property by using the other party's assets. Herein, that property is then considered to be marital property. This specific provision is controversial and often regarded as unfair in post-marital property distribution. In addition, if the original property is fixed real estate, whose value primarily increased across the years of marriage, it is treated differently to movable property, which mostly depreciates. This differential promotes corruption. Specifically, when a husband or wife willingly repairs the house (buildings) or infills more than two-thirds of the land, the law expressly states such improvements will cause a property ownership shift from original to marital. Such actions allow each spouse, upon a marriage dissolving, to share in the material ownership (value gain) that marital property brings.

Hence, the problem of property sharing between a husband and wife after a Lao divorce is not following widely held principles of property ownership, prompting the following research objectives:

1) To examine the history and background of customary family law related to the division of property between husband and wife in the Lao PDR and Thailand.

2) To consider the various concepts and theories related to the division of property between husband and wife in the Lao PDR and Thailand.

3) To compare family law regarding the division of marital property between husband and wife in Lao PDR and Thailand.

The rest of the article is presented in the following order. First, the following methodology describes how the study proceeded. It commences with a literature review, which sets the theory and practice context for property ownership/division across Laos and Thailand. The findings reveal the “problem” with discussion to explain how the laws can be amended. Finally, we present the recommendation to amend the Family Law in Lao PDR to bring fairness back to divorcing spouses engaged in property division.

## Methodology

Underpinned by John Locke’s theory of natural rights, we use qualitative methods to review the literature and supplemental secondary documents. Specifically, we conducted a comparative study of family law in the Lao PDR and Thailand, focusing on theories regarding the principles of property rights. The thematic analysis, coded, and synthesized to identify the inconsistency in setting the family laws and consider legal mechanisms to rebalance fairness between separating spouses, thereby reducing conflicts that often arise regarding property division and further developing a unifying law. The importance of this research is evident through the escalating court appearances around resolving property-sharing problems between husband and wife in the Lao PDR, compared to Thailand, For example Supreme Court Judgment No. 186/2022 (Juvenile

and Family Court of Thailand) and Supreme Court Judgment No. 1221/1984 (<https://deka.supremecourt.or.th/search>)

## Literature Review

John Locke's (1689) natural rights theory consists of three core principles - the rights to life, liberty, and property– and precedes the establishment of civil society. Locke contends that “every human being has these rights in a state of nature, and they have to be preserved when people enter into a commonwealth [Union or marriage]” (Cole & Whiting, 2024, p. 1). According to Ojha (2024), Locke (1632-1704) lived during one of the most consequential centuries in English political history - 17th-century England. This era saw escalating conflicts between the monarchy and parliament, resulting in bloody civil wars. Subsequently, Locke (1689). Contends that human beings ought to govern themselves following natural law, a premise he explained in his work, *Two Treatises of Government*. The first treatise rejects an absolutist monarch, thereby setting the stage for the second treatise (Locke, 1690), wherein he discusses how natural law and natural rights exist and are binding even in the state of nature, i.e. the pre-political society before the emergence of parliamentary government. Locke’s account of private property, in particular, is perhaps the most influential one in Western legal-political thought (Varden, 2021), with his second treatise directly influencing many democratic, liberal constitutions of the world (Ojha, 2024).

Locke's ideas have been linked to faith in Christianity (Zuckert, 2005), with the perspective that God created the world and mankind as mutual things in nature and common property available for all humans to eat and use equally. From this Christian foundation, John Locke explains further - “every human being has one thing that they are born with; that is a natural right” (Locke, 1690).

Notwithstanding, while Locke acknowledges that in the state of nature, human beings are free, as there is no government or higher human authority, he also contends that this freedom does not mean that a state of nature is equivalent to a state with a license to do anything. This is so because Locke argues that human beings in the state of nature are subject to natural law where morals and reason prevail. Thus, natural rights proffers that every human can claim ownership of what God has given us of equal nature, a point some scholars argue doesn't and cannot work philosophically (see Arendt, 1998; Varden, 2021). Notwithstanding, Locke contends anything that is a product of physical labor and the land's fruit becomes personal property. Such property is owned by people with the right to use it as they wish. Other people have no right to the physical labor of others, and the work of one's hands is their property only. Other people cannot (should not) infringe on those natural rights (Cole & Whiting, 2024; Locke, 1689).

However, individual views regarding equality for one and those of a broader society are not always shared. While the laws of nature advocate for humans born in this world, with complete freedom, having a right to be happy without being restricted – i.e., everyone is equal – their natural rights, invoke an authority to protect and manage their assets and lives. Other people will not have the right to destroy their life, body, freedom, and property. Notwithstanding such noble principles, the existence of humans in natural conditions often generates conflict among humans and between humans and their natural rights. Under the theory of humans living in nature, (Cole & Whiting, 2024; Locke, 1689) interprets Locke's ideas through three rules describing the natural condition of a state:

1. there is mutually accepted law. People may enter different states of nature, sometimes making it impossible for individuals to agree.

2. there is accurate and mutually accepted judicial organization, with a judiciary responsible for adjudicating disputes that arise under the rules of nature. The judicial organization must be a mediator who has no interest in the parties.

3. there is executive power to enforce compliance with various decisions.

However, a juxtaposition appears in Locke's proposition on the natural state. On one hand, humans, by natural rights, should have equal rights because property is an inalienable right of humans. In exercising this right, however, there is no power to protect and preserve these rights sustainably. In response to this uncertainty and potential inconvenience of the natural state, humans, on the other hand, enter treaties (see Locke, 1689). Cole and Whiting (2024) interpret such treaties as facilitators for an established form of governance (civil government) to develop order guaranteeing freedom in the exercise of Locke's (1690) theory of rights.

Notwithstanding, some people still violate the laws of nature and reject the judiciary, causing various dangers. A civil society inherently requires an accepted form of governance to protect a person's natural rights. Such systems must present exact definitions in law, support an impartial judge, and have administrative powers to enforce decisions on various matters (Cole & Whiting, 2024; Locke, 1689). To be able to proceed correctly and justly allows humans to coexist and operate with reason (Cole & Whiting, 2024; Locke, 1689). Ownership of property, notably personal and productive land, is considered a fundamental right and foundation for survival. However, property ownership should not be an absolute right, in that the State can intervene during contestation. Such a caveat is necessary as property also remains a right related to the sustainability of the wider society, namely the life and death of the State (customary tribe). Foundational to civil governance is customary (tribal) law (Maffesoli, 1995).

Customs, often interchangeable with traditions, demonstrate patterns of continuation of ideas and beliefs in the principles of practice regarding life and living in society, as well as ethics and manners as natural behavioral traits. The tradition extends accumulated knowledge and the customary behavior of people in society from the ancestors' time. Many contemporary matters are rooted in customary society's values and attitudes. Customs, therefore, play a vital role in improving and maintaining society. It can be said that such traditions set a standard of acceptable human behavior in a group (Caldicott et al., 2022; Sanguansap, 1992). Notwithstanding, popular custom can be different from legal custom. Historically, customs were stringent and accepted to the point of being a discipline and a rule of society (McKerron, 2003). If an individual were to violate tradition, society may label them as infidels and punish them with expulsion from the group or, at worst, death. Today, traditions, customs, and religion have melded as foundations of modern law (Sitthiwanrak, 2001; Zuckert, 2005).

Law, thus, is an evolving function of civil societies and reform, therefore, must remain a legitimate power of each state, ensuring the fair treatment of its citizens and resources, not least in the allocation of land. As a concept, fairness is contestable. Every person cannot simply be put on a scale to judge fairness. This is because each person has unequal bargaining power and deserves the protection of the state. Within the liberal democratic system (mostly Western states): "Whoever has a little, the state should give a lot. Whoever has a lot, the state should give a little" While somewhat simplistic, the analogy can be broadly interpreted as demonstrating the principle of ownership rights (Cole & Whiting, 2024; Locke, 1689).

In contrast, in the socialist legal system (mostly Marxist states), it is believed that individual ownership of property, especially factors used in production, such as land, causes individuals to be

selfish, jealously protecting their property to maintain beneficial rights. Subsequently, Marx considered ownership rights would bolster the capitalists (bourgeoisie) through the exploitation of the poor (proletariat) (Pollard, 2022; Veal, 2003). Marx believed that capital was amassed through the sweat of the proletariat, so he advocated for the abolition of capital or property rights and for the state, as the core of society, to become the owner of the rights.

Of note, the 1990 regime change in Lao PDR and their adoption of a socialist legal system suggests that production rights can be honorably shared among all people. David and Brierly (1978) quote the ideas of Lenin (1918), "We [socialist governments] do not accept private rights. Everything is subject to the benefit of the public and public law only" (David & Brierly, 1978). They continue, contending that the public laws of socialist countries are classified mainly by function, such as administrative law, labor law, social security law, and criminal law, except for private law. Karl Marx considered that ownership should be contained to the State so that any production that arises in the future should be shared according to the value of each person's labor. Such dividends would adjust as necessary for equitable distributions upon reaching the 'complete era of communism' (Lenin, 1918). Therefore, the Lao PDR's inherited Property Characteristics Act, regarding property rights of the deposed French Protectorate of Laos (1893-1975) was abolished with 'land, fields, and forests' to now belong, in law, entirely to the Lao PDR estate.

## Findings and Discussion

The analysis indicate that Lao family law and Thai family law originate from traditions passed down continuously and have been shaped first by customary local culture and second by religion. From the comparative study of legal

history across both states, it was found that they initially shared the law of property ownership and division by favoring the original owner before the marriage:

It is said that 'Na Moon, if you go to become a son-in-law, then change your Dimka to become Na Moon, but if you go to become a new casino owner, then profits become Sin Som Sang' (Paimanee Chaiwongsa, 2003, p. 178)

In practical explanation, if the husband develops a rice field on land that was his wife's original property, then the rice field also belongs to the wife (Sin Suan Tua). But if the husband and wife take up new land to farm rice, then that new land will be Sin Som Ros, and the income generated will be Sin Som Sang.

In Thai society during the reign of King U Thong and King Rama 1, circa 1804, several Acts concerned Section 1- the relationship between the husband and his wife (s) and their assets, describing the division of original and marital property when husband and wife divorce. If the man held the original property, the division favored the man in two parts to one part for the woman. If the woman held the original property, the division, thus, favored the woman, two parts to one. Further, the Act also considers the wife's status. If the royal wife (first or primary wife), she will receive a share. Minor wives would not receive any share.

Modern Thai family law, premised on Western liberal principles, was enacted through the Civil and Commercial Code 1935, Book 5 on Family Matters. There are two types of property between husband and wife. First, Section 1470 states that Property between husband and wife, other than what has been set aside as personal property, is considered marital. The said provision, thus, shows that the property classification between husband and wife in Thailand is divided into Sin Suan Tua and Sin Som Roo. The meaning of Sin Suan Tua and Sin Som Roo is provided by Section 1471: personal property consists of that

which: 1) either party has before marriage; 2) that is for personal use clothing or body decorations appropriate to one's status or tools necessary for one's occupation of either spouse; 3) either spouse acquired during marriage by inheritance or by giving out of affection; 4) which is a betrothal thing. Section 1474 further states that the marital property includes that which: 1) the spouses acquired during the marriage; 2) either party acquired during the marriage by will or by giving in writing when the will or letter specifies that it is marital property, and 3) is the interest of personal property.

The present-day Lao People's Democratic Republic paved the way for socialist principles of ownership law and subsequent family law provisions created in 1991 (Apirat Petchsiri, 2016, p. 19). These laws were revised in 2008 when Lao PDR opened to the West and changed its economic system. A further amendment in 2019 sought to rectify the anomaly within the Family Law Act of 1991, which did not separate assets between husband and wife. Spousal property was not defined until 2019, when family law was incorporated into the Lao PDR Civil Code, article 26.

The new Section clarified the definition of husband and wife's assets: property of a husband and wife is divided into two types: original property and personal assets in Section 5; and spousal property of husband and wife in Section 167. Herein, the original property is that of the husband or wife acquired before marriage or is wealth acquired through personal inheritance, especially after marriage. That property is held in inalienable perpetuity as belonging to the receiver. In addition, income and interest arising from the original property of the husband or wife shall be considered the original property of that person, except if the husband or wife has participated in its production. or co-creation, i.e., created together during time as husband and wife. In this case, Section 168 declares that total income and interest from the spousal property are considered Sin Som Sang.

An exception is held for property and personal items which do not have high value. Sin Som Sang also extends to the original property of either party that has undergone repairs by using the assets of the other party in value exceeding two-thirds of the original value of the repaired property. These 2019 amendments to the Lao PDR Family Law Act were premised on giving Sin Som Sang clear meaning with specific details regarding the distribution of the original property and Sin Som Sang, post-marital separation.

The comparative study shows that while family laws in Lao PDR and Thailand are similar, they do exercise consequential differences regarding dividing property after divorce. In commonality, family laws evolved from tradition, with the principle of ownership foundational in dividing property between husband and wife. Original property (personal property) belongs to whichever party brought such property to the union. Spousal property is created together and earned as husband and wife in joint ownership as Sin Som Sang.

As for the differences, it was found that the family laws of Lao PDR, specifically Section 168, paragraph 3 of the Civil Code, refer to cases involving repairing the original property of either party. Herein, if the assets or original property of one party are used to repair the property of the other party, in value exceeding two-thirds of the original value of the repaired property, it shall be considered that the property is now joint spousal (marital) property. Subsequently, such assets must be shared if the husband and wife end their marital union. Such provision causes injustice to the original owner of the repaired property, be they either husband or wife.

Within Thai family law, there is no such provision within their Civil and Commercial Code. Rather, Thais maintain the ownership principle and apply the additional principles of complementarily. Hereby, ownership of the property remains with the husband or wife who initially owned the property. For assets where

marital assets were used for repairs, the division of Sin Som Ros between husband and wife must compensate for Sin Som Tua that has been used for repairs. According to Section 1534 of the Civil and Commercial Code, marital property disposed of by either spouse for benefit is fine. However, Section 1533 states it shall be treated as if the property still exists for the division of Sin Som Ros. This protects the other spouse if they did not receive the compensatory share of Sin Som Ros in the amount that should be made. The spouse who sells or intentionally destroys the Sin Som Ros must compensate with his or her own Sin Som Tua or personal assets.

For example, when the land or a building is the personal property of either husband or wife, and it is later repaired, or productive trees planted, or any buildings added on said land using original assets from the other spouse the land (buildings) remains the private property of the original owner. When the marriage ends, compensatory monies must be exchanged in lieu of any causal ownership shift. Although it may be evident that the original assets of party A are used to repair the original assets of party B, or matrimonial assets, the principle of components must be considered upon separation. Such considerations reaffirm 'equity property rights where the legitimate government (law) must be "grounded in respect for basic rights and universal human dignity" (Hunt, 2016, p. 555).

Thai Civil and Commercial Code, Section 144 (Accessory states) any property and its parts which, by nature or local custom, forms an essential part of the existence of that property and cannot be divided except by destroying it or causing the property to change its shape or condition, the original property owner retains ownership rights in all components of that property. That is, the person who has ownership of the leading property has ownership of all the accessories of that property. When the principal property is original, that property's ownership will remain as before. However, according to the Thai Code, Section

1534, compensation may be payable for the Sin Som Ros spent on such accessories when the marriage dissolves. This is a distribution of Sin Som Ros for the proportional benefit of both spouses.

## Recommendations

The findings suggest alternate ways should be sought to resolve Lao family law conflicts regarding property sharing between husband and wife, specifically in cases of repairs to the original property of either party by using the original assets of the other party. Today, the Civil Code of the Lao PDR, Section 168, paragraph 3, deems the repaired property as Sin Som Sang. This Section (specifically paragraph 3) contradicts the theory of natural conditions, specifically property ownership. The original property owner should be afforded greater protections, not deprived of their natural rights and accepted customs, as with the present socialist system. Therefore, to be fair to the husband or wife who is the original owner of the property, the Civil Code of the Lao PDR, Section 168, paragraph 3, should be amended by [re]introducing the principle of ownership with the Thai influence of complementary principles applying to property components as they may develop over time.

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