



Criminological - Legal Review of Delinquency and Victimization of Bisexual People

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ABSTRACT

Background

Due to the lack of specification of the holy legislator on the rights and duties of the bisexuals and the absence of special legal status and lack of will and classification of criteria for the distinction of these people and, on the other hand, the role of gender in personal, social, and legal life of man, and respecting the rights and duties of each gender, the purpose of this article is to review the rules and legal provisions and the effects of bisexuality in Islamic penal Codes, as well as to review the situation of victimization and delinquency of bisexuals in the society from the criminal sociology view.

Materials and Methods

The method used in this research is descriptive-analytical, which has been written by collecting Information from sources including books, articles, research related to this study, and international conferences and treaties.

Ethical Considerations

Honesty and fidelity in writing the text have been observed.

Findings

In this regard, first the situation of people with sexual identity disorder dealing with official and judicial authorities was investigated, then the issue of ascertaining criminal liability of people with sexual identity disorder and its legal gaps in Iranian law was analyzed, and finally, Iran's criminal policy towards the delinquency of people with sexual identity disorder was reviewed.

Conclusion

Delinquency and victimization of this range has not been the concern of legal and judicial actors. In the case of transsexual delinquency, due to the lack of a clear and transparent legislative criminal policy for these individuals, we also face serious shortcomings at the level of judicial criminal policy, which results in the violation of the basic rights of these individuals if they commit, straggle, or do the crime.

Key words

Criminology, Victimization, Bisexuality, Delinquency.

How to Cite this Article

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INTRODUCTION

In all legal systems, there can be found rare ones that adopt fully equal rights and duties for men and women. Even in feminist schools, there are examples of social and legal differences between the two sexes. But in some legal systems, such as Islam, this issue is more prominent, and gender shapes one of the foundations of the division of rights. Gender is the most fundamental element of identity from the beginning to the end of human life [1].

Gender as a non-acquired factor includes biological, physical, bodily, and chromosomal characteristics that distinguish men and women. But gender as an acquired factor separates men and women socio-culturally and is formed based on characteristics that are often the specific characteristics of the two sexes. Gender identity reflects a person's inner sense of being a man or a woman and relies on attitudes, behavioral patterns, and other traits associated with masculinity or femininity and are determined by a particular culture of the individuals. A person with a healthy sexual identity can confidently say that "I am a man or a woman". Therefore, gender is one of the most important socio-cultural and legal criteria for classifying individuals [2].

There is a group of people who are known as transgender with the highest degree of sexual boredom. There is a sexual contradiction between the body and the mind, and a person tries to appear in society

as the opposite sex. In other words, they are the men who have a feminine spirit in their male body and the women who have a masculine spirit in their female body. They are people who are dissatisfied with their biological reality and go through this process in a stressful along with confusion, who have originally not found their lost identity and with a bisexual identity while strongly and continuously identifying with the opposite sex, follow the emotions, behaviors, and roles of the opposite sex [3].

Today, reviewing this situation is important not only from a medical but also from the criminal science perspective. Hermaphrodites (bisexuals), regardless of whether they are the third sex or belong to the traditional sexual forms of society whose gender is suspected of us, become subject to the task as abnormal people. In Iranian criminal law, which is based on Imami jurisprudence and in which gender is one of the factors affecting criminal responsibility, the legislator only mentions the two sexes of men and women when discussing, and has not paid attention as it must and might to the rulings of the two real sexes and transsexuals both in criminal and civil law [4].

What is certain is the negative attitude of society towards bisexuals or transsexual people. This attitude has affected society to the extent that bisexuals and transgender people are considered homosexuals or moral depravity. The family feels inferior and small from the person's birth and is always

hidden and covered inside the family as a deficiency or fault. This lack of awareness and misplaced prejudices cause the affected person to distance himself/herself from the family and society, and this way of life (in isolation and silence, not presenting their problems to the family or peer community) causes violence against these people, exploitation of them, sexual abuse and victimization of these people. Therefore, it seems necessary to recognize this sexual minority in society and to differentiate morally depraved groups or homosexuals from this group [5].

Lack of specification of the holy legislator on the rights and duties of the bisexuals and lack of special legal status and lack of will and classification of criteria for recognizing these people and on the other hand, considering the role of gender in human personal, social and legal life and respecting the duties and rights of each gender, we can determine laws regarding the criminal status of these people with a new and deep view of the religious models and jurisprudential sources [6].

This article aims to review the rules and legal provisions and the effects of bisexuality in Islamic penal codes and review the victimization and delinquency of bisexuals in society from the criminal sociology view. In this regard, the research question is what the legal gaps in Iran's criminal policy about crimes and victimization of bisexuals and transsexuals are?

MATERIALS AND METHODS

This research is fundamental in terms of purpose, descriptive in nature, and library in terms of method. The Information was collected using written sources such as books, articles, dissertations, research and laws and regulations, and reputable sites.

DISCUSSION

A. The Situation of People with Sexual Identity Disorder Dealing with Official and Judicial Authorities

These people do not have special legal protections, and discriminative behaviors against them become more severe. Among them is government officials' contact with transsexual people for wearing the opposite sex (disguise).

They may be detained arbitrarily simply because of their appearance, and many carry official documents (licenses from forensic medicine or law enforcement) that explain their condition so that they can be protected from official nuisance by authorities. In many cases, transgender people are pressured to undergo sex reassignment [7]. Government officials also suspect Transgender communities, and although they may not engage in illegal activities, they are discriminated against, and their communities are treated harshly.

In a general division, the status of bisexual people can be examined in the following two cases:

1) Victimization

2) Delinquency

1- Status of Transsexuals in Victimization

Bisexual people are more exposed to crime than ordinary people due to their special status, and the percentage of being abused by others in committing crimes (especially sexual crimes) is much higher than others. Many sexual and financial cases of abuse take place from these people on obscene networks and websites and due to their special condition to be placed in both sexual object and active states. The images and videos of these people are sold on a large scale with much publicity. Also, these people themselves may inadvertently commit certain acts, and the law may criminalize them for doing so if they did not intend to commit a crime and have not even known that their act was a crime [8].

However, it seems that there is certain ugliness in Iranian society towards entering the realm of these people in public opinion, which is largely exaggerated and unreasonable, and it is necessary for them to be treated considering them as patients because of their congenital physical problem with a patient-like approach, not a criminal one. It seems possible to overcome the existing problems in dealing with these people and prevent abusing them and stop them from being drawn into deliberate or unwanted crimes through culture making in the society by the media and raising public opinion [9].

However, given that the possibility of sexual abuse of these people is high, some people may want to have sex or other sexual abuse of these people or commit such acts. Considering that the ugliness of such an act in the custom of society is often more than committing a similar act with ordinary and unisex individuals. The legislator should punish the perpetrators of such crimes by criminalizing such acts in cases with no specific legal text and considering a heavy and special punishment to aggravate and complete punishment when there is a legal text for ordinary people [10].

2- Status of Delinquency of Transgender People

If bisexual people commit crimes, can their punishment be reduced based on their particular condition?

To answer this question, we need to divide crimes into two categories:

1. Crimes in which gender does not play a role
2. Crimes in which gender plays a role

2-1- Crimes in Which Gender Does Not Play a Role

Legally, it is not possible to observe Mitigation for such people because gender is not raised whether we want to consider it or not. For example, if a bisexual person commits the crime of embezzlement, no Mitigation can be given to him based on his bisexuality, and he will be punished like

other people. As stated, since gender has no role in committing these crimes as the priority, its types «male-female» are also ineffective in committing these crimes.

2-2- Crimes in which the Sex of the Accused is Involved

If bisexual people commit crimes in which the sex of the accused is involved, it seems possible to mitigate the punishment of such people in some cases. To better investigate this situation, limit and non-limit crimes should be separated from each other:

2-2-1- Limit Crimes

Two examples are needed to clarify the discussion:

According to Article 230 of the Islamic Penal Code, the limit for adultery for a woman or a man who is not eligible for continence is one hundred lashes. According to Article 234 of the Islamic Penal Code, the limit of sodomy is the death penalty for the active partner in case of violence and reluctance or having the conditions of continence, and the death penalty for the object in any case. If a bisexual person has sexual intercourse with a man from behind and penetration is achieved, if the bisexual person joins a man, sodomy is accomplished, and both the active and the object are killed. If the bisexual person joins a woman, adultery is realized, both the active and the object will be sentenced to one hundred lashes, and if the bisexual person cannot be joined to either of the two

sexes, it is possible to impose the limit punishment of adultery, which is a lesser one, by invoking the rule of Dara «Limits are more likely to be in doubt». Because in this case, we know briefly that a limit has been proven since sexual intercourse (penetration) has taken place and the perpetrator is either a woman or a man. However, we do not know in detail which limits to impose and given that the principle in limits is on the discount, in the case which we do not know that the person has committed adultery or sodomy, but we know that he has committed one of these two acts, assuming that the perpetrator is a woman, we apply the lower limit, which is the limit of adultery.

Regarding apostasy, if the person becomes a natural apostate, according to jurisprudence, the person will be killed if that is a man and will be repented if the person is a woman. Now we assume that a bisexual person (neutral of the problem) has become an apostate. In this case, two possibilities have been raised in jurisprudence; the first possibility is that the neutral also has the verdict of woman because there is a doubt in her masculinity that causes killing to dominate her, and as a result, doubt in the cause leads to doubt in the director, and therefore killing her is not permissible. The second possibility is to have the same verdict as the man because the words of the Prophet (PBUH) who said: «Kill someone who has changed his religion» are common, and only women are excluded from the

generality of this narration, and the rest of the cases also including the neutral rest included in the generality of this narration, though no text has been given about the neutral. Shahid Thani's opinion is that the second possibility (that neutrality has the verdict of a man) is acceptable if there is no rule of Dara. Therefore, we conclude that in limits that the quality of the limit is different between men and women. If the neutral commits these limited crimes and their gender cannot be determined, we impose a lighter limit on them by invoking the rule of Dara.

Therefore, it seems that in the case of limited crimes, a person's bisexuality can cause the limit to fall or become a lighter limit in some cases by invoking the rules of jurisprudence.

2-2-2- Punitive Crimes

Regarding the punitive crimes in which the sex of the accused is involved, we can reduce the punishment of such criminals:

- Paragraph E of Article 38 of the Islamic Penal Code:

In this Article, the legislator has considered «the special condition of the accused» as one of the mitigating aspects of punishment in punitive crimes. The rule in the application of this paragraph is for various (individual) punitive crimes, i.e., the judge must decide separately in each case, taking into account the accused situation, if it is possible to grant mitigation about a specific accused based on

this paragraph or not. Was he punished or not? In other words, the judge must examine "the personal situation" of the accused whether there is a special situation involved in the commission of the crime or not. For example, if two people jointly commit a punitive crime, the judge must consider this paragraph separately for both defendants. Each of them may have a particular characteristic that the judge can reduce his punishment by taking into account the defendant's personality and particular situation, and perhaps one of the accused will be subject to reduction and the other may not. However, it seems that bisexuality can be considered a (typical) criterion for mitigating the punishment of the accused, and just for the presence of this condition in crimes in which gender is important, the judge can consider the mitigation of punishment of the accused. In other words, it seems that the criterion of review is "state, state of being bisexual" about bisexuality, while the general principle in applying mitigation of the Article is to examine the person (accused). If we want to use this Article for mitigation, we must Investigate the accused person, and the mere existence of a special case cannot reduce his punishment without the need to investigate it in particular accused.

- Apart from mitigating the punishment of such individuals, there are several cases in the Islamic Penal Code where a specific act is criminalized for women or men. For example, suppose the act of reciprocity

occurs between a man and a woman who are non-mahram [unconfident], according to Article 637 of the Islamic Penal Code. In that case, it is a crime punishable by up to ninety-nine lashes or entering the woman without canonical Hijab in passages and in the public's sight that is recognized as a crime, and its punishment is imprisonment for ten days to two months. How should be acted about bisexual people whose gender is not known and who commit such acts? Should they be found guilty and punished in any case? This is definitely against justice and fairness. The solution that seems to be in the case of these people is to see how the society and, in particular, the law as the text of action and acceptance of the society ask these people to behave. Are they expected to appear in the streets like women, or have they committed a crime if, for example, they come to the streets without a canonical Hijab or a special cover? Unfortunately, nothing as such is seen about these people in our criminal law. Of course, it may be possible to punish the person based on general Articles such as Article 638 of the Islamic Penal Code, followed by: "If the act itself is not punishable, but the public chastity is injured, the person will be sentenced to imprisonment ...or up to 74 lashes" and to leave it to the custom of the society that what they expect these people and to act accordingly, but due to the different customs in different places and the differences in the views of the people of the society towards the bisexuals, such general rules do not seem reasonable at all and may lead to injustice

and dangerous consequences. Therefore, the legislator's intervention in the situation of these people and attention to the reality of their existence seems highly necessary according to the relatively large number of them in the society.

B. Criminal Liability of People with Sexual Identity Disorder and Its Legal Gaps in Iranian Law

According to Article 37 of the Constitution, the principle is innocence, and no one shall be held guilty by the law unless his crime would be proven in a competent court. The effect of Article 2 of the Islamic Penal Code, which deals with the principle of legality of crime and punishment, is also the principle of innocence [11].

Regarding criminal liability for transgender people, two categories can be proposed that the adoption of either of the two following approaches will be effective in the direction of the criminal policy ahead:

- 1) Suffering a sexual identity disorder is one factor of criminal irresponsibility, and such people are not criminally liable if they commit a crime.
- 2) Transgender people, like ordinary ones, are criminally liable and, if they commit a crime together with other cases, they are criminally guilty.

1- Criminal Non-responsibility

Barriers to criminal irresponsibility are specified in Article 146 of the Islamic Penal Code adopted in 2013, which are:

1- Minority, 2- insanity, 3- Reluctance, 4- Urgency, 5- infirmity (sleep and anesthesia, etc.), 6- Drunkenness and infirmity due to voluntary consumption of cases depriving will.

Given that the legislator has enumerated the barriers of criminal liability in this legal Article and there is no mention of people with sexual identity disorder having sexual identity disorder is not considered a barrier to criminal liability. That's, although sexual identity disorder is a type of disease, it is outside the circle of diseases that lead to "lack of will".

2- Criminal Liability

According to Article 146 of the Islamic Penal Code of 2013 and the enumeration of barriers to criminal liability, people with sexual identity disorder are considered criminally liable if all the conditions necessary to realize a crime, including material, psychological, and legal elements, come together.

Regarding the fact that suffering this type of disorder is one of the aspects of punishment mitigation or not, it can also be said that due to the inexplicitness of the Islamic Penal Code, especially Article 38, as well as other legal provisions, this type of feature in the actor of the crime will not bring with it causes of punishment mitigation for him. If

there are other legal cases for mitigation, having a sexual identity disorder will not stop the possibility of applying it to the perpetrator.

On the other hand, what is at stake for these people is reassignment from a legal point of view, whether this act is fundamentally permissible or known as a crime. Since the principle is on innocence and sex reassignment surgery has not been criminalized in the legal texts, sex reassignment of people with sexual identity disorder is not a crime and, consequently, will not have punishment.

Based on what was said, transgender people have criminal liability if they commit a crime, but because the element of gender, i.e., being a woman or a man, is important in the realization of some crimes, and on the other hand, in terms of punishment in the issue of canonical punishments, the type of gender is important in limits, retaliation, and ransom, so what is necessary for the first step is to identify the gender of a person with a sexual identity disorder. Given that a transgender person, despite his or her physical characteristics, believes mentally and psychologically in the opposite sex, what is the criterion for determining this person's gender at the time of committing a crime? Should they be contracted based on their present sex when committing the crime or be considered the opposite sex according to their mental state? On the other hand, are such people still considered having their

former gender after sex reassignment, or is the criterion their new gender?

This issue is important in the issues related to murder and the ransom payment because if a person who is a man kills a woman and changes his gender until the time of retaliation, is his gender based on the time of murder or the time of retaliation? If this killer is considered a man, the blood avenger of the killed woman must pay Fadhil Diyat¹ for the execution of retaliation, and if the killer is considered a woman, the issue of paying Fadhil Diyat will no longer be discussed.

It is also possible to examine this assumption under conditions in which the victim has changed sex is also cognizable against transgender, and that means the person transgender has taken surgery of sex cha reassignment range and is placed as a victim. Is his/her gender criterion the state before or after surgery and at the time of the crime against his/her? In such cases as well, considering that the person undergoes sex reassignment surgery to join the new gender and all the rules, rights, and duties of the new gender are imposed on him/her, so the new gender will be respected and the person is also identified with his or her new gender by the customary criteria.

Also, in anti-chastity crimes such as adultery, sodomy, and lesbianism, considering the punishments of these crimes, gender determination is very important. Since the realization of the crime of adultery

requires sexual intercourse and the person with sexual identity disorder cannot have sex with the opposite gender while communicating with the other party. More importantly, until the operation of sex reassignment, the person is in charge of his/her current gender laws and duties, the actual personality of the person is the criterion for assessing the commission of the crime, so in this category of crimes, the gender of the person with sexual identity disorder cannot be considered the state after surgery.

Also, regarding the crimes of sodomy and lesbianism, what seems to be the criterion for distinguishing gender is the actual gender of the person at the time of the commission, and the realization of the material elements of each of these crimes must be investigated based on this. But in the discussion of "murder", we consider gender to join the time after gender reassignment because the truth of this person has been the gender that was turned into after the surgery since, as mentioned, a person with a sexual identity disorder knows him to belong to the opposite sex psychologically. Also, unlike indecent crimes, gender is not among the effective material elements of the crime of murder at the time of committing the crime.

C. Iran's Criminal Policy towards the Delinquency of People with Sexual Identity Disorder

While reviewing the concept of criminal policy, we are looking for criminal and non-

criminal measures and actions to fight delinquency and prevent crime and depravity. These measures and acts can be examined at three legislative, judicial, and executive criminal policies [12].

1- Legislative Criminal Policy

Regarding the criminal liability of transgender people, the approach of Iranian law towards this range of persons can be deduced.

Therefore, it can be said that at present and despite the approval of the Islamic Penal Code in 2014, the delinquency of these people as a (special vulnerable spectrum) has not been considered by the legislator and in previous laws; the legislator has been the same.

In better words, the Iranian legislature has not speculated measures to fight the delinquency of transgender people who are involved in sexual crimes in most cases, according to the previous discussions. They are considered sex is considered sexually depraved, and offenders from the legal perspective have adopted no differential criminal policy. They have dealt with sexual pervers only in Articles 233, 235, 237, and 238 of the Islamic Penal Code of 2013 and its notes by the criminalization of sodomy, Tafkhiz [intercrural sex], lesbianism, and homosexuality. While we know that people with sexual identity disorder are not considered sexually perverted, on the other hand, because the criterion for the realization of the adultery crime, as

mentioned earlier, is the realization of sexual intercourse; therefore, sexual crimes committed by transgender people do not fall within the scope of the criminal title of adultery because of the lack of such realization.

It should be noted that the scope of crimes committed by transgender people is not limited to sexual crimes. And they also, like other members of society, are influenced by factors affecting the commission of crimes, committing other crimes which in our law, there are no effects of applying discriminatory criminal policy through active and reactive measures, with intimidating or deterrent aspects towards this vulnerable group.

As we have seen in the investigation of the criminal responsibility of these persons, due to the lack of differential criminal policy towards these persons, there is no criterion for determining their criminal responsibility.

2- Judicial Criminal Policy

At the level of judicial criminal policy, as well as legislative criminal policy, there are no specific procedures for dealing with delinquents with sexual identity disorder because the investigation of crimes committed by these individuals at the first step requires full knowledge and proper understanding of the judicial system about this type of disorder and not confusing it with sexual pervers. In other words, these perpetrators do not have the appropriate facilities and situations from the stage of

entering charge, prosecution, and investigation to trial and sentencing and serving their sentence in the judiciary. Because in criminal matters, and especially the crimes committed by this group, which are often accompanied by their detention, there is a need to provide the necessary mechanisms to prevent abusing these people during detention and not to adopt discriminatory behaviors in the prosecutor's office the court.

3- Executive Criminal Policy

However, despite the legislative and judicial criminal policy, at the level of executive criminal policy, a useful measure has been taken to protect people with sexual identity disorder, which can help prevent the delinquency of these people.

At present, some organizations and institutions have dedicated all part of their activities to this range at the domestic level. "Welfare Organization" is one of the active institutions in this field, which provides various services such as psychological counseling and referral to psychologists by predicting the section of "social harms" and developing guidelines (social support for people with sexual identity disorder) to examine their gender reassignment while spending psychotherapy.

Suppose the organization diagnoses this type of disorder by holding various psychotherapy sessions and monitoring and necessary controls following the relevant instructions. In that case, the patient will be

referred to forensic medicine to undergo psychotherapy, which the "Iranian Institute of Psychiatry" monitors these individuals in particular to make an appropriate diagnosis of the need for gender reassignment surgery after multiple tests.

In addition to the cases referred to forensic medicine personally by Welfare Organization, infected people may personally refer to the family court to receive permission for gender reassignment surgery, which has been delegated this competency under Paragraph 18 of Article 4 of the Family Protection Act adopted in 2013.

Article 4 of this law provides:

(Handling the following procedures and litigations are within the competency of the family court: Paragraph 18- Gender reassignment)

In both cases mentioned, the procedure must be reviewed by forensic medicine, and finally, if approved by the authority and a final verdict of the court, gender reassignment surgery is performed [13].

What should not be forgotten is the real-life period in which the affected person should live a real-life with the gender in which he/she sees his/her truth in the period under the supervision of the welfare organization. According to the Welfare Organization, if this course is not successful, even if this person has a mental disorder, he/she does

not need surgery, and his/her disorder must be treated in another way [14].

It should be noted that the Welfare Organization of the country does not cut off communication with the person after performing gender reassignment surgery and still keeps the person under supervision and control to enter him/her to the new life [15].

Another social institution in this field is "Iranian Association for the Support of Patients with Sexual Identity Disorder", registered and established in 2007 and its founders are psychiatrists and forensic psychologists, and a group of social activists. In sum, the purpose is to present and pursue demands and solutions to achieve legal, medical, and subsistence issues, continuous counseling to achieve a normal life before and after surgery in various fields, creating an environment, and finally entrusting the management of this collection up to these patients to decide their fate [16].

CONCLUSION

A spectrum of society, not only because of environmental and sometimes hereditary conditions - without being involved, they fall into the abyss of criminal sexual activity and are called criminals - (which is a kind of delinquency) and in The process of prosecuting a crime is also re-victimized. This causes them to distance themselves from the social activity scene and become marginalized due to accepting the role of the victim.

Thus, delinquency and victimization are experiences in which people with sexual identity disorder often face them in parallel.

However, according to what was said in this article, it seems that legal and judicial actors have not considered delinquency and victimization of this spectrum. While carefully looking at the factors affecting the commission of the crime by these individuals, we found that the will of the legislature and the adoption of response methods to combat crime with the deterrent effects of crime and the social resilience of offenders and action through preventive activities at both the level of deviation and crime are increasingly needed. Also, the provision of special criminal procedure and its necessity is felt. In addition, at the judicial level, the country's judiciary suffers from a deep vacancy and inefficiency due to the lack of necessary mechanisms and training of judges and executives at the prosecutor's office, courts, prisons, detention centers, and other relevant centers. The first step arises from the legal vacancy and then from ignoring the rights of these people and not paying attention to their position in the internal regulations and instructions of the judiciary. Because, as we know, the interaction between the legislative and judicial criminal policy is such that legislative criminal policy will not be effective without the necessary context and proper implementation at the level of judicial criminal policy, since the judicial

criminal policy is the necessary tool for implementing legislative criminal policy. At present, in the case of transgender delinquency due to the lack of a clear and transparent legislative criminal policy for these individuals, we also face serious shortcomings at the level of judicial criminal policy, which results in the violation of the basic rights of these individuals in the event of perversion or crime.

In order to eliminate the problems mentioned above and shortcomings, the following is suggested:

1) Measures that seem to be noteworthy at the legislative level include:

1. Accession to international instruments at the first stage (of course, conditionally and subject to the fact that transnational laws must be approved by the Islamic Consultative Assembly and, as long as they do not conflict with the Holy Shari'a, Quran, and the Sunnah). In this regard, the principles of Yogyakarta, in particular, explicitly recognizes the rights of these people.

2. Creating greater transparency in determining criminal liability and allocating a portion of the law as a discriminatory criminal policy to address this class in the field of delinquency through criminalization can be a solution to fight their crimes. It should be noted that the desired result will be achieved when these people are not considered sexual perverts in the legislator's eyes.

3. Another solution is to anticipate the criteria and guarantee the non-destructive exercise of liberty to fight these people's delinquency to prevent their victimization during imprisonment through sexual abuse or inappropriate behavior of officers.

4. It is suggested that "alternatives to imprisonment" shall be used in crimes committed by transgender offenders at a higher level. This, in the first stage, requires a special and differential view in the laws of the country to this range and the provision of these articles in the law.

5. Regarding criminal justice policy as well, given that the transgender delinquent is accused and abused by other delinquents or prison officers because of his/her sexual orientation in the process of criminal investigation, so the most important actions at the outset are:

6. To provide and anticipate the necessary mechanism for access to justice by these people

7. The right to a lawyer and legal aid.

8. Training and awareness programs for prison staff and private and public sector officials working in detention centers.

9. Establishing the necessary regulations and instructions and determining the guarantee of serious actions for their violation can greatly help these people harm them.

10. Training of judges to better understand and enjoy an inappropriate and non-

discriminatory treatment will significantly impact the judiciary's performance.

11. At the prison level, separating these people from other delinquents and separating their resting space by reducing contact with other criminals will be very effective.

2) At the level of executive criminal policy, in addition to the actions and activities carried out so far, other cases are also suggested:

1. The most important action is to change society's attitude and general culture towards these people because this will have the most important preventive effect on crime and their victimization.

2. Establishment of associations and institutions to support patients with sexual identity disorders in finance, education, psychotherapy and psychiatry, counseling and legal aid, etc.

3. Using the mass media to transform the public view of these people and present a picture of the issues and realities of their lives.

4. Educate these people's parents through psychology centers and NGO groups to deal with this issue, deal with their children, and deal with them.

5. There is a lack of covering sex, gender, and gender identity in society, extensive publicity about gender reassignment centers, conversations and interviews, and holding

numerous conferences on topics around these people.

ETHICAL CONSIDERATION

Authenticity of the texts, honesty and fidelity has been observed.

AUTHOR CONTRIBUTIONS

Planning and writing of the manuscript was done by the authors and Co-authors.

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CONFLICT OF INTEREST

No conflict of interest was reported by the author.

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