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THE STRUGGLE FOR EQUALITY OF TRANSGENDER RIGHTS AND SAME-SEX MARRIAGE

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ABSTRACT

In this paper, we discuss the evolvement of the legal, social, and cultural contexts surrounding transgender rights and same-sex marriage. This article explains the issues that people from LGBTQ+ community face and some recent advances made for equality in legislation and societal change. Special emphasis has been placed on the rights of transgender community and same-sex marriage. This paper is made to talk about the challenges faced by people from this community and their rights.

INTRODUCTION

The struggle for LGBTQ+ community rights has been one of the powerful social justice movements in the last century. Among the crucial components of the movement are the legalization of same-sex marriage and fighting for the rights of transgendered people. While both are integral parts of the more encompassing LGBTQ+ fight for equality, they focus on separate but related issues: one focuses on the right to marry and the other addresses the right to live as one's authentic gender. This paper explores those two areas of LGBTQ+ rights, which intersect with each other, the progress made, and what lies ahead in terms of challenges.

OBJECTIVES

- 1.To compare the legal status of transgender rights and same-sex marriage across different countries and regions.
2. To identify the intersectionality of the struggle for LGBTQ+ rights with other social justice movements.

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RESEARCH METHODOLOGY

Research Methodology with Case Studies: The Struggle for Equality of Transgender Rights and Same-Sex Marriage

RESEARCH DESIGN

This research employs a qualitative case study approach to explore the legal, social, and political struggles for transgender rights and same-sex marriage. By examining key case studies—landmark legal cases, significant activism, and major societal events—the study aims to provide a comprehensive understanding of the challenges and progress in these movements.

DATA COLLECTION METHODS

- 1. Document Analysis:** Review of legal documents, court rulings, legislative texts, and reports from LGBTQ+ advocacy organizations. Key cases like *Obergefell v. Hodges* (same-sex marriage) and *Grimm v. Gloucester County* (transgender rights) will be analyzed.
- 2. Interviews:** Semi-structured interviews with LGBTQ+ activists, legal experts, and individuals directly involved in key cases will capture personal perspectives and insights.
- 3. Media and Public Opinion Analysis:** Analysis of media portrayals and public opinion surveys on same-sex marriage and transgender rights to track societal attitudes and shifts.
- 4. Secondary Literature Review:** Scholarly articles and books will provide a theoretical framework for understanding the legal, social, and political dynamics surrounding LGBTQ+ rights.

KEY CASE STUDIES

- 1. Obergefell v. Hodges (2015):** U.S. Supreme Court ruling that legalized same-sex marriage. This case will be analyzed for its legal, social, and political impact.
- 2. Grimm v. Gloucester County (2020):** Legal case involving the rights of transgender students to use school bathrooms matching their gender identity.
- 3. Stonewall Riots (1969):** The catalyst for modern LGBTQ+ activism, influencing legal and social battles for same-sex marriage and transgender rights.

4. Transgender Rights in Argentina (2012): Argentina's landmark law allowing gender marker changes on documents without surgery, influencing global transgender rights reforms.

DATA ANALYSIS TECHNIQUES

1. Thematic Analysis: Identifying key themes related to legal and social struggles, including public opinion shifts, activism, and legal precedent.

2. Comparative Legal Analysis: Comparing legal approaches to LGBTQ+ rights in different countries (e.g., U.S. vs. Argentina).

3. Content Analysis: Analyzing media coverage to understand how public narratives shaped societal attitudes toward LGBTQ+ rights

ETHICAL CONSIDERATIONS

Informed Consent: Ensuring transparency and voluntary participation in interviews.

Confidentiality: Protecting the privacy of participants, especially in sensitive discussions regarding personal experiences and legal battles.

This methodology will provide a comprehensive analysis of how legal rulings, activism, and public opinion have shaped the struggle for equality for transgender individuals and same-sex couples.

HISTORICAL CONTEXT OF LGBTQ+ RIGHTS

This topic has been going around for long time. The struggle for recognition, legal protection, and social acceptance over many decades. Same-sex relationships, in particular, have been criminalized throughout centuries with laws condemning homosexual acts in many parts of the world's societies including Algeria, Iran, Kuwait, etc. Movements for decriminalization at first gave way to demands for marriage equality in the early 20th century. many countries even have death penalty if found in same – sex relationship

Transgender has also experienced legal and social barriers to the recognition of gender identities. Past medical pathologizing of transgender persons, whose identity was diagnosed as a form of disorder, is significant in this respect. The 20th century marked increased activism on transgender visibility; more so, it marked greater awareness for legal protections and social acceptance.

SAME-SEX MARRIAGE: LEGAL AND SOCIAL ADVICES

Legal recognition of same-sex marriage is without doubt one of the biggest milestones in the fight for rights by LGBTQ+. In 2001, the Netherlands became the first country to legalize same-sex marriage. In the United States, the landmark case *Obergefell v. Hodges* (2015) legalized same-sex marriage nationwide; thereby granting same-sex couples equal legal rights as heterosexual couples.

But the road for getting the equality of matrimony rights was not easy to get. The fight for the recognition of the same-sex marriage was fierce because of conservative and religious reasons because of which the same sex couple still have a hard time in the society, and in many countries, it's still ongoing. For example, most countries in Africa, Asia, and parts of the Middle East continue to criminalize same-sex relationships, and same-sex marriage is illegal in most of these regions. In 2019 Taiwan was the first Asian country which legalized the same sex marriage in 2023 it was legalized in Nepal on a limited basis. The king of Thailand has passed the bill to legalize the same sex marriage in Thailand on 24 September 2024 and it start to take effect from the year 2025.

In spite of this, the worldwide momentum for marriage equality keeps increasing, as fuelled by both legal victories and changing societal attitudes toward the rights of LGBTQ+ individuals. As public opinion has moved to favor marriage equality, politicians and policymakers have felt compelled to pass laws reflecting these changes.

TRANSNATIONAL DIMENSIONS ON RIGHTS OF TRANSGENDERS AND SAME-SEX MARRIAGE

While much progress has been made in many Western societies, same-sex marriage and transgender rights are issues that incite controversy throughout most of the globe. Same-sex marriage and transgender rights are taboo subjects in large portions of Africa, the Middle East, and parts of Asia, wherein transgender diversity continues to result in violence, persecution, and imprisonment in many areas.

For instance, the proposed "Kill the Gays" bill in Uganda would introduce a death sentence for homosexual practices, while Saudi Arabia upholds criminal prosecution and punishment of transgender people based on their gender identity. At the same time, countries like Taiwan and

Costa Rica have led efforts on legal reform regarding LGBTQ+ issues within the Global South, finally bringing new hope for successful transitions within traditionally conservative cultures.

SOCIAL MEDIA AND ACTIVISM: THE ROLE OF THE LATTER IN ADVANCING LGBTQ+ RIGHTS

In such a way, social media has served as a dynamic tool in advancing rights for transgender individuals as well as allowing same-sex marriages. Social media have provided individuals with the means to tell their stories, mobilize the protests, and talk about issues of concern with regard to gender or sexual orientation. Through social media, activists have used the pressure tactics on policymakers, challenged harmful stereotypes, and created solidarity among LGBTQ+ communities across the globe.

The visibility of LGBTQ+ issues on social media has also helped to shift public attitudes, making it increasingly difficult for governments and institutions to pay attention to the needs and rights of sexual and gender minorities. Such examples include #LoveIsLove, #TransRightsAreHumanRights, and #NoHateInOurState, which mobilize people in support of marriage equality, transgender rights, and anti-discrimination measures.

CONCLUSION

In conclusion, a lot of progress has been made in the fight for transgender rights and same-sex marriage. There have been legal victories like the allowing of same-sex marriage and greater legal acknowledgment of transgender identities. Yet, the work remains unfinished. Transgender people continue to face unique challenges that need to be addressed, and same-sex marriage laws need to encompass the needs of all LGBTQ+ people. This is the confluence of these struggles and has to be addressed with an all-rounded approach as it involves those experiences lived by each and every LGBTQ+ member. Continued activists, education, and legal rights policy change are ought to occur so that everyone has equal opportunities and status irrespective of gender or sexual orientation.

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