A Study on the Legal Dilemma of University Students’ Homosexuality
-- A Case Study of Zhenjiang Universities

Xinyu Zhao, Pengfei Lu, Haoran Wu, Yu Shen, Yan Li
Jiangsu University of Science and Technology, Zhenjiang, Jiangsu, 212000, China

Abstract

College students are one of the important social groups. During the university period, it is just during the transition period from sexual exploration to sexual maturity. There are many homosexuals in university group life. In the current social environment, ethics and morality generally believe that same-sex behavior is a cross-border behavior, and homosexuals are heterogeneous, so they have been on the margins of society for a long time and have not been recognized by the society. The law neither opposes nor recognizes the issue of homosexuality. It is in a legal blank stage. Therefore, homosexuals have no opportunity or ability to find legal help. This article takes some college students in the town’s colleges and universities as the research object, analyzes and explores the objective existence of homosexuals in the college student group, the legal dilemmas encountered and the reasons, and on this basis attempts to propose solutions at the legislative, judicial, and law-abiding levels.

Keywords

College students; Homosexuality; Legal dilemma.

1. Introduction

The university stage is an important stage in the formation of the "Three Views" of college students, and it is also a transitional period from sexual exploration to sexual maturity. Under the background of sexual mystery, college students try to understand sex with curiosity and exploratory spirit, but inappropriate emotions such as sexual ignorance, sexual confusion, sexual discrimination, sexual proliferation, etc. occur from time to time. Improper handling can cause mental disorders and even revenge against society. Case. Among them, the issue of homosexuality is a problem that deserves attention and has been concerned but has been unsolvable.

Homosexuals have been on the margins of society for a long time and are labeled as diseases and weird. They face tremendous social pressure and also have huge family pressure. Many parents insist on letting gay children marry the same sex out of facial needs, triggering "same New social issues such as "wife" and "tonghu". Some homosexuals tried to seek legal help and asked the civil affairs department to issue a marriage certificate to no avail, and then filed an administrative lawsuit. So is it possible to try to solve the problem of homosexuality legally? This is exactly what this article wants to explore. This article attempts to adopt empirical research methods to conduct investigations and interviews with some college students, and summarize the current situation, causes, and legal dilemmas of college students' homosexuality in a small way. On this basis, I tried to put forward a legal solution, in order to have an objective grasp of the future career selection, marriage harmony and social responsibility of college students in the town, which has enlightenment for university education.
2. The Status Quo of Homosexuality Among College Students in Zhenjiang

Zhenjiang City is located on the south bank of the Yangtze River, across the river from Yangzhou. It is a districted city in Jiangsu Province. It has a small population and a small area, but there are not many universities. The main colleges and universities in the town are Jiangsu University, Jiangsu University of Science and Technology, Zhenjiang Technical College, etc. The survey subjects in this article are mainly college students from Jiangsu University and Jiangsu University of Science and Technology. At the same time, people in contact with them, such as parents, teachers, heterosexuals of the same age, and internship units, are also used as auxiliary survey subjects to understand the source of stress and draw conclusions. More precise conclusions.

2.1. Empirical Research Process

2.1.1. Questionnaire

After carefully designing the questionnaire, a total of 400 subjects were selected from the students, faculty and staff of Jiangsu University, Jiangsu University of Science and Technology, Jingjiang College of Jiangsu University, Zhenjiang College, and people in different industries nearby, and a total of 377 valid questionnaires were returned. The basic situation is as follows:

<table>
<thead>
<tr>
<th>Major</th>
<th>gender</th>
<th>grade</th>
<th>total</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Freshman</td>
<td>sophomore</td>
</tr>
<tr>
<td>Liberal Arts</td>
<td>Male</td>
<td>15</td>
<td>21</td>
</tr>
<tr>
<td></td>
<td>Female</td>
<td>24</td>
<td>26</td>
</tr>
<tr>
<td>Science and Engineering</td>
<td>Male</td>
<td>22</td>
<td>38</td>
</tr>
<tr>
<td></td>
<td>Female</td>
<td>11</td>
<td>25</td>
</tr>
<tr>
<td>Artistic</td>
<td>Male</td>
<td>2</td>
<td>5</td>
</tr>
<tr>
<td></td>
<td>Female</td>
<td>4</td>
<td>9</td>
</tr>
<tr>
<td>total</td>
<td></td>
<td>78</td>
<td>124</td>
</tr>
</tbody>
</table>

2.1.2. In-depth Interviews

The interview analysis is to gain a deeper understanding of the causes of homosexuality and the inner confusion of homosexuals. For this reason, three students were selected for this article to communicate in advance for a long time, and after gaining their trust, they conducted a more patient in-depth interview. The more typical situations are as follows:

<table>
<thead>
<tr>
<th>Undergraduates</th>
<th>gender</th>
<th>grade</th>
<th>manifestations</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>Female</td>
<td>Freshman undergraduate</td>
<td>poor academic performance in liberal arts, was betrayed in a heterosexual</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>relationship and turned to the same sex</td>
</tr>
<tr>
<td>B</td>
<td>Male</td>
<td>sophomore in junior college, science</td>
<td>bisexual, poor interpersonal relationship, suicidal thoughts</td>
</tr>
<tr>
<td>C</td>
<td>Male</td>
<td>senior undergraduate, science</td>
<td>bisexual, cheerful, excellent grades, high self-identity, like European and American culture</td>
</tr>
</tbody>
</table>

2.1.3. APP Software Analysis

This article uses Blued and Zank as the main carriers, sneaking into them to chat with homosexual users of the same age, and further obtaining more realistic answers.
2.2. Analysis of the Status Quo of Homosexuality Among College Students in Zhenjiang

Through the above methods, the following conclusions are drawn after a summary analysis of the data after the investigation:

1. Learning status. The learning situation of gay college students is different from the pre-survey forecast. 51% are at an intermediate level, another 22% have good grades, and only 13% have poor grades; they are not active enough in social activities, but about 16% plan to engage in Work related to gay rights protection.

2. Living conditions. Most of them worry that their identity will be known to outsiders. From the perspective of self-protection, the circle of life is relatively small. Only about 1/6 of the students can handle interpersonal relationships properly and disclose their gay identity to heterosexual friends. Get recognized, and make friends regardless of the inside or outside of the circle.

3. Psychological condition. The psychological conditions of gay college students need to be paid attention to. 70% of their pressure comes from family unsupport, 40% from school depression, and 23% from public opinion misunderstanding; 14% of them are very afraid of their family members knowing their own For homosexuality, 5% said that the pressure was too great to bear, and 2% had thoughts of committing suicide.

4. Relationship status. Nearly 15% of the students in the survey data believe that they are homosexual, and nearly 9% admit to be bisexual; they mainly search for lovers through the Internet and introductions by insiders: in terms of the orientation of choosing friends, family background and economic conditions, etc. Relatively disregarded, but only 2% of people have long-term fixed and maintained relationships for two years or more. In the future, more than half of the students said that they are likely to be pressured to marry heterosexuals. The author thinks this is extremely irresponsible, because this move is likely to ruin three families. 7% of students think of choosing to form a family with homosexuals of the opposite sex in the circle, so as to satisfy the family without causing serious harm to each other.

5. The cognitive status of homosexuality. It is generally believed that their choice was not at fault, but some people think that their choice is improper and they are unable to change it.

3. Analysis of the Causes and Legal Dilemmas of Homosexuality Among College Students

3.1. General Cause Analysis

Scholars have different opinions on the causes of homosexuality, elaborating on biogenetics, behavior, and neuroanatomy, and have different opinions. This article believes that it is not possible to explore the causes of homosexuality only from a physiological perspective. This is a social phenomenon that is a combination of various factors, including social factors and individual factors. The following figure shows the data results of the survey and research in this article, that is, the general cause feedback for the undergraduate groups surveyed. Since this article focuses on the analysis of legal dilemmas, the general causes will not be analyzed in detail.

3.2. Analysis of Legal Dilemmas

3.2.1. Foreign Legal Research and Legal Regulations on Homosexuality

Foreign countries, especially European and American countries, are more tolerant of homosexuality, but homosexuals have a high awareness of their own rights protection. The most famous is the Stonewall Riot [The incident began on Friday, June 27, 1969, outside the Stonewall Hotel, the gay residence in Greenwich Village. It is generally regarded as the starting point for the modern gay rights movement.
point of the modern gay rights movement in the United States and the world. A violent conflict between homosexuals and the police in New York in 1969. It was a landmark event in the history of gay rights protection, which triggered the rights protection actions of the American gay community and quickly expanded to the world. A powerful gay rights protection organization "Gay Liberation Front" was established.

The research on homosexuality in foreign law is mostly aimed at the legal recognition of same-sex unions. Relevant data show that the Danish Registered Partnership Act has attracted wide attention from various countries. M Ilyayambwa[1] borrowed from the formation of the landmark National League for Gay and Lesbian Equality in South Africa in the 1980s and Hendrik Peter Le (Hendrick Pieter Le)'s judgment clearly states that the legal science of a country or region must adapt to changes in society, even if homosexuality is only a minority group, otherwise the law will become irrelevant and redundant.

So far, countries around the world such as Norway, Belgium, Spain, Portugal, Canada, the Netherlands, France, Germany, Denmark, Finland, the United Kingdom, Iceland, Sweden, the United States, Switzerland, and Croatia recognize that same-sex marriage is legal, but there are also a few countries, such as Iran, Sudan, Yemen, Nigeria, Somalia, etc., define homosexual behavior as scoped behavior and a capital crime. Most of the remaining countries and regions have a non-intervention status.

3.2.2. Domestic Legal Research and Legal Regulations on Homosexuality

Domestic research on homosexuality is mainly on the sociological level. Most scholars still disagree with homosexuality, and a few scholars hold different opinions. The most representative one is Professor Li Yinhe, who has made great contributions to homosexuality research. She advocates affirming same-sex marriage as an effective way for homosexuals' rights, calling for the legalization of same-sex marriage, and proposed very detailed two Some amendments: One is to establish a same-sex marriage bill; the other is to change the term "couple" in the marriage law to "spouse" and add the words "unlimited gender". In addition to scholars' research, there are also some survey reports, such as the "2009 Survey Report on the Living Conditions of Homosexuality in China" shows that 35.5% of homosexuals believe that the pressure mainly comes from family; 14% of homosexuals think that thinking of this road will make them lonely and end up with great pressure; 53% of parents said they would never allow Homosexuality of children, etc. The homosexuality phenomenon in literary works has existed since ancient times. The novel "Niezi"[2] shows us the employment discrimination that exists only because of the word "same sex" in society. Sociologist Professor Liu Dalin has made an assessment and estimated that more than 90% of male homosexuals in my country will choose to get married. Zhang Beichuan's survey and interviews revealed that the number of "homosexual wives" in China is at least 10 million, and so on.

The domestic law neither explicitly prevents nor protects homosexuality, which is in a legal blank state. But it is not without research and empirical cases in this area. There have always been calls for the legalization of homosexual marriages, requiring that the protection of homosexual rights be thoroughly resolved in the legislative link; various disputes have also appeared in the administrative law enforcement process, such as the "abnormal" response of administrative law enforcement officers to the "homosexual" group. According to the response of the person in charge of a certain platform, after the homosexual website established jointly with the local CDC was hacked, the data of many homosexual patients was lost, which caused widespread panic. The law enforcement agencies were asked to report the case to defend their rights, but they were refused to open the case. The reason was just the three words "homosexuality". There are also some representative cases in the judicial process, such as the split of a gay couple in Wuhan in 2006, and the division of houses purchased during their living together triggered litigation [3].
4. Legal Solutions to Homosexuality Among College Students

4.1. The Legal Attitude of College Students to Homosexuality

As a "micro-society", colleges and universities have a structure that is highly similar to the real society, but for college students, the main component of colleges and universities, their growth environment is "moderate" and the problems they face are relatively "simple". The particularity of the group of college students determines that they will have different views on the same thing. It is recommended that college students have a correct legal attitude towards homosexuality, and colleges and universities should also have a correct attitude and appropriate practices. Specifically is:

First, face up to gender orientation and respect different choices. Homosexuality is not a fault, and not all homosexuals have low self-esteem. Some people have excellent performance and abilities. Although they are very afraid of outside visits and intervention, they are worried that their homosexuality will lead to discrimination, and they often subconsciously adopt self-protection measures. It is recommended that homosexuals, non-homosexual ordinary students and college educators should uphold correct evaluation principles, formulate correct evaluation standards for talents, clarify the principles of gender equality and sexual equality, respect the choices of "minority people", and safeguard their autonomy.

Second, strengthen safety education to avoid secondary injuries. In college education, insufficient attention is paid to "sex education". Due to the weakening of school-related education, the infringed classmates cannot mitigate the consequences, or after the infringed classmates are physically cured, there are "discussions" around them. It is "secondary injury". As a training base for national pillars, colleges and universities should consider the development of students in many ways and bring education closer to students' daily lives. Mental health courses in colleges and universities should popularize the knowledge of "sex peace" and "sex protection" from multiple angles and form correct concepts.

Third, correct public opinion guidance and advance legal improvements. The group of college students is in the stage of active thinking and ideological development. Therefore, the construction of spiritual civilization in colleges and universities should be paid more attention to, and the work of ideological guidance should also be implemented. College students have a bipolar attitude on the issue of "homosexuality": one party talks about "sameness" and the other party uses it as a gathering. These two extreme attitudes are incorrect "gender perception". The correct attitude is to face the issue of "homosexuality" squarely and treat it the same as "heterosexuality", except that the gender is different. In dealing with "homosexuality" issues, colleges and universities should not only do a good job of daily safety and health education, but also treat "homosexual love" and "heterosexual love" equally. In daily life, we do not deliberately promote "homosexual" behaviors, do not make extra interference in private life, and guide public opinion on "homosexual" behaviors in a healthy and correct manner. Colleges and universities should give full play to the social role of colleges and universities, actively offer advice and suggestions on the protection of the legal rights and interests of the "gay" group, and promote the improvement of relevant national laws and regulations.

4.2. Legal Solutions to Homosexuality Issues

If the issue of homosexuality is regarded as a social issue and included in the scope of legal solutions, it is necessary to propose solutions from the aspects of legislation, law enforcement, justice, and justice.

First, analysis at the legislative level. In the course of the three deliberation drafts of the Marriage and Family Draft of the Civil Code to the public for public comments, the online comments received from the public included the legalization of same-sex marriage. In the
Marriage and Family Edition of the Civil Code, the legislation does not mention "same-sex marriage." In the "General Principles of Civil Law", the term "intentional guardianship" has long appeared. "Intentional guardianship" has been written into the law, and the country’s obfuscation of "guardianship", "gender", and "blood relationship" at the legislative level is to safeguard the legitimate rights and interests of "same sex groups". The legal system of our country stays at "not illegal" for the phenomenon of "homosexuality". The personality of the "homosexual" group is based on legal protection, but it is blank for the maintenance and further development of their relationship (such as marriage, etc.).

The country must have certain social conditions to protect the rights and interests of citizens through legislation. The rights of gay groups are temporarily shelved because of historical origins and cultural traditions. The time for legislation has not yet arrived, but there are objective conditions for future legislation: First, it is constantly rising. The issue of homosexuality includes the increase in the number of homosexual groups and the rising calls for the rights of homosexuals represented by Mr. Li Yinhe. Second, the issue of homosexuality has been able to make legal value judgments. The third is to formulate some policies to regulate the issue of same-sex unions. This does not address both the symptoms and the root causes and requires legal adjustment. Fourth, the continuous improvement of social tolerance is a strong social foundation for our future legislation.

The commonality of human society determines that sooner or later, China has to face homosexual marriage rights, regulatory guarantees, and partnerships. It is urgent. In contrast, the laws and regulations on "same-sex marriage" in some western countries are worth learning from. For example, the Netherlands directly incorporated same-sex marriage into law, legislated separately or added legal provisions related to same-sex marriage to the original marriage law; French civil contract combination The model is not only applicable to heterosexuals, but also applicable to homosexuals; Canada’s registered partner model, gays and lesbians enjoy multiple rights and obligations of married partners after registration with relevant agencies, but not all of heterosexual marriages Rights and obligations, in fact, registered partnerships are the product of a compromise between the requirements of homosexuality and the consent of social consciousness. This model has been welcomed by legislators in other European countries.

Second, analysis of law enforcement level. Because the country currently has no legislation on homosexuality issues, in the process of law enforcement, when encountering homosexuality issues, law enforcement officers are often at a loss or deviation in law enforcement. For law enforcement officials, within the framework of the existing rule of law, such a state is also normal. It is recommended that national law enforcement officials be propagated and guided, at least not with tinted glasses to enforce the law involving homosexuality issues, and adopt an appropriate inclusive attitude.

Third, judicial analysis. It mainly involves two aspects. One is that when homosexuals request marriage and obtain legal status in marriage and family in China, they have not been recognized by the judicial system. In other words, similar lawsuits cannot be won because there is no legal basis. Second, because they are not legally recognized in China, some domestic homosexuals with certain economic conditions have gone abroad to marry for the purpose of circumventing the law, which has caused instability in public order at home and abroad. At the same time, foreign legal same-sex couples Countries that do not recognize the "marriage relationship" are not bound by their own laws, which is a kind of contempt and attack on the moral laws of the country where they are located.

Fourth, the analysis of compliance. In fact, it is the view of the whole people on the issue of homosexuality. Legally speaking, for ordinary people, there is no prohibition by law. Since homosexuality is not legally based, there is no absolute prohibition. Therefore, whether homosexuality is the person concerned. Things.
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References


