

Discussion and Legislative Suggestions on Improving Legal Protection of Spousal Rights

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Abstract

This paper deeply analyzes the current situation of protecting the rights and interests of the homosexual group in China and highlights the urgency of making the "Law on the Rights and Interests of Same-Sex Partners". Starting from the physiological, psychological and social reasons for homosexuality, it describes the growth of the number of homosexuals in China. It shows that China's relevant laws for homosexuality are behind, leading to a lack of protection for this group in many ways, with them facing lots of difficulties and no legal guidance. After looking at the problems of directly changing the Marriage and Family Section of the Civil Code, it suggests creating an independent law and explains the principles it should have, like showing gender differences in marital rights, clearly defining protection, and sticking to the democratic principle. It goes into detail about the legislative content of same-sex marriage, covering registration, property, medical care, support, rights limits, protection, relief, relationship ending and other aspects, aiming to fully protect the rights and interests of homosexuals and help society be more diverse and harmonious. At the same time, it stresses that the legislation must consider many factors to make sure it's scientific, reasonable and practical.

Keywords: Law on the Protection of the Rights and Interests of Same-Sex Partners; Protection of Rights and Interests; Legislative Lag; Same-Sex Marriage; Social Harmony.

I. Background Analysis

(I). Exploration of the Causes of Homosexuality

1. Influence of Physiological Factors

Influence of Genetic Factors: Genetic factors play an important role in the formation of

homosexuality. Although the "homosexual gene" has not been identified yet, family and twin studies can support the view that genetics influences sexual orientation. In family studies, the distribution proportion of homosexuality among family members is higher than that in the general population, suggesting a family genetic tendency. In a study by Bailey and Pillard in 1991, when one of the identical twins was homosexual, the proportion of the other being homosexual was about 52%; for fraternal twins, it was about 22%; and for adopted brothers, it was only 11%. The similarity of genes is closely related to the probability of homosexuality. Twin studies also show that since identical twins have similar genes, when one is homosexual, the probability of the other being homosexual is higher than that of fraternal twins. It can be seen that homosexuality is likely to be influenced by genetic factors rather than being a subjective choice.

Influence of Brain Structure: Scientific research indicates that differences in brain structure are closely related to homosexual tendencies. Comparing homosexuals and heterosexuals, there are significant differences in the development status and connection patterns of specific brain regions between the two. The hypothalamus is a key brain region, and many studies have found differences in the characteristics of hypothalamic nuclei between homosexuals and heterosexuals. For example, a study by Swaab et al. in 1990 showed that the suprachiasmatic nucleus (SCN) of homosexual men is larger and has more cells than that of heterosexual men, and there are similar differences between heterosexual women and homosexual women. These differences in brain structure may affect an individual's gender perception and attraction to different genders and play a key role in the formation of sexual orientation.

Influence of Hormone Level Changes: Changes in hormone levels are of great significance for the formation of sexual orientation. In particular, hormonal fluctuations during fetal development have a significant impact on the sexual differentiation of the brain. During the fetal development stage, factors such as the content, duration of action, and distribution of androgens and estrogens can change the path of brain development. For example, studies by Dörner et al. in the 1970s and 1980s pointed out that abnormal androgen levels during the critical period of pregnancy can cause the brain development to deviate from the typical pattern. Insufficient androgens in male fetuses or excessive exposure to androgens in female fetuses may lead to differences in the sexual differentiation of the brain and increase the possibility of non-traditional heterosexual orientations, which provides a perspective for understanding the biological mechanism of homosexuality.

2. Role of Psychosocial Factors

In psychoanalytic theory, the Oedipus complex is closely related to special mother-child relationships and may lead to abnormal sexual psychology, including homosexual tendencies. When a child grows up, an overly close relationship with the mother can affect the development of sexual psychology. This stems from the psychoanalytic analysis of early parent-child relationships and psychological development stages. The emotional experiences and relationship

patterns of children in the Oedipus stage will shape their psychological structures and influence the direction of sexual psychological development. For example, Freud proposed that the psychological conflicts and emotional relationships in specific developmental stages of children are crucial to the development of personality and sexual psychology. If the Oedipus complex is not properly resolved, it may lead to psychological problems including abnormal sexual orientation.

From the perspective of behaviorist psychology, it emphasizes the roles of peer relationships, accidental opportunities, and special experiences in the formation of homosexuality. During an individual's growth, the close relationships with same-sex peers, specific life events, and social environment can influence the development of sexual orientation. Behaviorism believes that human behaviors and psychology are shaped by acquired learning and environmental stimuli. For example, Bandura's social learning theory points out that individuals learn new behavior patterns through observation and imitation. In the development of sexual orientation, the interaction patterns and special experiences of individuals with same-sex peers may contribute to the formation of homosexual orientation.

(II). Current Situation and Trend of the Homosexual Population in China

In 2004, Sina.com reported the results of a survey by the Chinese health department. The proportion of male homosexuals in the sexually active male population was about 2% 4%. Based on this estimate, the number of male homosexuals in China reached 5 million 10 million. Professor Zhang Beichuan of Qingdao University has been committed to the research on homosexual issues for a long time. He estimated that the number of homosexuals aged 15 60 in China was about 30 million, among which 20 million were male homosexuals and bisexuals. According to the average statistics of the International Gay Committee's survey in 2020, the number of homosexuals in China had reached 70 million, and the number of male homosexuals was more than 45 million. However, these data have limitations due to the influence of survey methods, scopes, and social concepts, but to some extent, they also reflect the characteristics that the homosexual population in China is large in number and shows a certain development trend.

II. Analysis of the Lagging Nature of China's Legislation Related to Homosexuality

In China, the homosexual population is quite large. However, as an important part of social

norms, the law has failed to promptly reflect the changes in this actual situation.

Currently, Chinese laws neither explicitly prohibit homosexual behavior nor have specific legal provisions or detailed regulations targeting homosexuality. This lag in legislation has led to a lack of clear legal basis and protection for the homosexual group when facing numerous practical problems, and consequently, a lack of corresponding protection in specific judicial practices. And this will bring about the following problems:

(I). Basic Logical Framework of the Rights and Interests Dilemma

1. Basic Logic

When analyzing the rights and interests dilemma faced by the homosexual group, it is advisable to follow the logical thread that starts from the basic level of identity relations, extends to the dimension of social rights, and then focuses on key rights and interests areas such as old-age care, medical care, and guardianship. Among them, identity relations, as the fundamental element involving property and personal rights and interests, constitute the cornerstone of the entire analysis, but are often marginalized in current research and practice. Taking this as the starting point, the social rights level covers a wide range of contents, including the protection of rights in various aspects such as social welfare. These issues are intertwined and jointly shape the rights and interests situation of the homosexual group in society. Finally, issues such as old-age care, medical care, and guardianship rights, as important focuses of rights and interests, are the concentrated manifestations of identity relations and social rights issues in specific life scenarios. This logical framework helps to comprehensively and deeply understand the rights and interests dilemma of the homosexual group.

2. Analysis of Specific Rights and Interests Dilemmas

Fundamental Rights and Interests Dilemmas Caused by Ambiguous Identity Relations: Due to the blank in the definition of homosexual partner relationships in the law, their basic rights and interests in the fields related to personal and property have fallen into an ambiguous state. The uncertainty of this identity relationship, like the lack of the cornerstone of rights in legal theory, has triggered a series of chain legal and social problems in subsequent diverse rights and interests scenarios, fundamentally shaking the foundation of their rights and interests protection.

Multidimensional Analysis of Constrained Social Rights:

Dilemmas in the Legal and Socio-Economic Dimensions of the Right to Enjoy Social Welfare: In the formulation paradigm of social welfare policies, the traditional family structure (heterosexual couples and children) constitutes the main reference system. Homosexual partners, because their relationships do not conform to this traditional model, encounter obstacles in enjoying welfare policies such as housing subsidies and tax incentives. From the perspective of law and economics,

this reflects the lack of inclusiveness in the social welfare system in the process of distributing economic resources, failing to fully consider the rights and interests of groups with non-traditional family structures, and thus increasing the economic burden on the homosexual group and putting them at a significant disadvantage in the pattern of distributing social and economic resources, indirectly reflecting the imperfection of the social fairness mechanism in the welfare distribution link.

Legal and Ethical Examination of the Dilemmas in Old-Age Care and Medical Rights and Interests: Based on the inherent requirements of basic human rights and social ethics, the homosexual group, like other members of society, has equal needs for old-age care and medical care. However, the non-recognition of their partner relationships by current laws has made them face complex legal and ethical dilemmas in key links such as the choice of old-age care institutions, nursing decisions, and being informed about major diseases. From a legal perspective, this dilemma stems from the conflict between the traditional definition of family relations in the law and the diversified family structures in modern society, resulting in the failure to protect the legitimate rights and interests of same-sex partners in old-age care and medical scenarios. From an ethical perspective, this may trigger in-depth thinking on fairness, justice, and bioethics. Because at the moment of major medical decisions, same-sex partners are deprived of the right to participate due to the non-recognition of their legal relationships, which may lead to the delay of the best treatment opportunity for patients, seriously damaging their life and health rights and interests and violating the basic ethical principles.

(II). Absence of the Guiding Role of the Law

The law, as a social norm guaranteed by the coercive force of the state, has multiple important functions, including the adjustment and regulation of existing social relations, the guidance of social values, and the expression of the will of the state (that is, the will of the people).

On the issue of homosexuality, the current lack of clear relevant legislation has caused many adverse consequences. From the perspective of guiding social values, due to the silence of the law on this issue, the public's perception and attitude towards the homosexual group have fallen into an ambiguous state. Some people, due to the lack of clear guidance from the law, still hold prejudiced and discriminatory attitudes towards homosexuals. Such attitudes not only violate the modern social concepts of equality and inclusiveness but also affect the harmonious and stable development of society to a certain extent.

From the perspective of the manifestation of the will of the state (the will of the people), the lack of laws means that when dealing with the social phenomenon of the homosexual group, it fails to fully reflect the will and interests of all the people. Modern society advocates respect for diversity, and the homosexual group, as a part of society, should also have its rights and interests valued and protected by national laws. The lack of relevant legislation makes the homosexual

group lack a legal basis to safeguard their own rights and interests in social life. They often feel uneasy and marginalized and cannot fully integrate into society. For example, in the event of rights and interests disputes, they find it difficult to seek a just solution based on clear legal provisions like other groups. This situation runs counter to the will of the state to protect the legitimate rights and interests of all the people.

Based on the above situations, it is of great significance to carefully consider the introduction of laws and regulations related to homosexuality at the legal level to clarify the legitimate rights and interests of the homosexual group. This is not only the fair treatment that should be given to this group with a certain scale but also helps to promote the construction of a more inclusive, just, and harmonious social environment. It is an important issue worthy of in-depth research and discussion. Its specific legislative process and content need to comprehensively balance multiple factors to ensure its rationality, effectiveness, and adaptability.

III. In-depth Consideration of the Protection of the Rights and Interests of Same-Sex Marriages: Analyzing the Reasons Why the Marriage and Family Section in the "Civil Code of the People's Republic of China" Cannot Be Directly Amended

From the perspective of the coordination of the legal system, the Marriage and Family Section in the "Civil Code of the People's Republic of China" occupies a crucial position in the entire legal system and has intricate and close connections with numerous laws such as inheritance and property rights. Many provisions in the Marriage and Family Section, such as the definition and division of joint property of spouses and the rights and obligations in marriage relationships, echo the rules regarding property ownership and co-ownership in the Property Rights Section, jointly constructing a regulatory system for property relations. Meanwhile, aspects in the Marriage and Family Section related to the scope of heirs, inheritance order, and distribution of estates are closely intertwined with the relevant provisions in the Inheritance Section, forming a complete chain of the inheritance system. If the Marriage and Family Section in the "Civil Code of the People's Republic of China" is directly amended, especially when making adjustments on major issues such as same-sex marriage, it is highly likely to trigger a series of chain reactions, leading to serious problems in the connection with other related laws. For example, if the rules for property ownership and division in same-sex marriage relationships are inconsistent with the existing provisions in the Property Rights Section, the definition and transfer of property rights

will become blurred. If the inheritance rights of same-sex partners conflict with the traditional rules in the Inheritance Section, the inheritance order may fall into chaos. The emergence of these problems will undoubtedly severely damage the coordination of the entire legal system, weaken the internal logical consistency and stability of the legal system, and further affect the effective implementation of the law and the orderly adjustment of social relations. Therefore, when considering issues related to the protection of the rights and interests of same-sex marriages, we must carefully weigh the impact on the coordination of the legal system that may be brought about by directly amending the Marriage and Family Section and seek more appropriate solutions.

In terms of social acceptance, the public's awareness and acceptance of same-sex marriage show an obviously uneven state. Although it is undeniable that social concepts are in a continuous process of progress, at this stage, if same-sex marriage is rashly incorporated into the Marriage and Family Section of the "Civil Code of the People's Republic of China", it is likely to trigger a series of complex and thorny problems. Some people, due to being deeply influenced by traditional marriage concepts for a long time, have a low level of recognition of same-sex marriage. In this case, forced promotion may lead to strong resistance among this part of the population. This resistance is not only an opposition in individual concepts but is more likely to trigger extensive controversies and differences at the social level, further exacerbating social contradictions. The exacerbation of such social contradictions and differences is undoubtedly extremely unfavorable for the process of protecting the rights and interests of same-sex marriages. It may make the protection of the rights and interests of same-sex marriages face more resistance and obstacles, and the original efforts to actively promote the protection of rights and interests may stagnate or even regress due to the intensification of social contradictions. Therefore, in the process of promoting the legislation related to same-sex marriages, we must fully attach importance to this key factor of public acceptance, carefully weigh the pros and cons, and seek more appropriate, gradual, and consensus-building ways to ensure the common development of the protection of the rights and interests of same-sex marriages and social harmony and stability.

From a more critical level of consideration, directly amending the Marriage and Family Section in the "Civil Code of the People's Republic of China" to incorporate relevant content of same-sex marriages is highly likely to trigger a series of serious social harms. Taking an extreme but not impossible situation as an example, if the law allows same-sex marriage registration and lacks strict regulations, it may be maliciously exploited by lawbreakers. If two heterosexual men register their marriage as homosexuals and then adopt a little girl and sexually assault her, this will cause devastating and irreversible harm to the rights and interests of the adopted vulnerable group the little girl. Such behavior not only seriously violates public order and good customs but also infringes on the personal safety and basic rights and interests of minors, highlighting the serious consequences that legal loopholes may lead to. Moreover, the issue of property distribution after

same-sex marriage is incorporated into the code will also face huge challenges. Due to the many differences between same-sex partner relationships and traditional heterosexual marriages in terms of family structure and economic models, the existing rules for property distribution in the Marriage and Family Section are likely unable to be directly applied to same-sex partners. This may lead to unfair property distribution in actual operations, such as disputes between same-sex partners over the definition and division ratio of joint property, triggering a series of economic disputes and affecting the stability of the social economic order. At the same time, family relationship chaos is also one of the potential risks. There are essential differences between same-sex marriages and traditional marriages in terms of the identification of kinship relationships and the positioning of family roles. If the law is hastily amended to incorporate same-sex marriages without carefully sorting out and improving the relevant family relationship rules, the definition and handling of family relationships may fall into chaos.

IV. Seeking Diversity and Inclusiveness: A New Path for Protecting the Rights and Interests of Same-Sex Marriages

Although directly amending the Marriage and Family Section in the "Civil Code of the People's Republic of China" faces numerous difficulties and risks, this does not mean that we can turn a blind eye and a deaf ear to the rights demands of the homosexual group. In order to explore more appropriate ways to protect the rights of the homosexual group, we must find alternative paths. Formulating a special "Law on the Protection of the Rights and Interests of Same-Sex Partners" has become a feasible and worthy idea for in-depth discussion. The formulation of the "Law on the Protection of the Rights and Interests of Same-Sex Partners" is not only an endowment of rights but also a guidance of social values. In the following discussion, we will elaborate on the formulation principles and the specific legislative content conceptions of the "Law on the Protection of the Rights and Interests of Same-Sex Partners" in order to provide more comprehensive and scientific theoretical support for the protection of the rights and interests of this group.

V. Explanation of the Principles for Establishing the "Law on the Protection of the Rights and Interests of Same-Sex Partners"

The establishment of the legislative principles related to the protection of the rights and interests

of the homosexual group is formed on the basis of comprehensively considering multiple social factors, balancing the interests of all parties, and following the laws of social development. It is of crucial significance for ensuring the scientific, reasonable, and effective nature of legislation.

(I). Principle of Respecting Differences and Balancing Social Development

1. Objectivity of Rights Differences

In the context of modern socialist society, there are natural differences between the rights of the homosexual group and those of heterosexual marriages. Heterosexual marriages possess the natural fertility ability based on their physiological characteristics. This ability occupies an irreplaceable fundamental position in the process of national population growth, social continuation, and development and is one of the important driving forces for promoting the continuous development and progress of society. Due to the characteristics of their relationships, the homosexual group cannot achieve natural fertility. This objective fact determines that their rights structure cannot be completely equivalent to that of heterosexual marriages. For example, in terms of the protection of rights and interests related to fertility and the inclination of social policies, there must be different regulatory requirements and institutional arrangements between the two.

2. Compromising Legislative Considerations

Based on the above differences, it is necessary to adopt a compromising approach in the legislative process to formulate the "Law on the Protection of the Rights and Interests of Same-Sex Partners". This compromising legislative idea does not mean neglecting or reducing the rights and interests of the homosexual group. On the contrary, its core purpose is to achieve full respect and reasonable protection for the homosexual group. By precisely defining the scope of their rights, under the premise of not undermining the stability of the basic social structure and not deviating from the overall social development direction, it ensures that the homosexual group can enjoy rights suitable for their own relationship patterns within the legal framework, such as rights in aspects of joint property ownership and medical decision-making, thus promoting the diverse and harmonious development of the social structure.

(II). Principle of Clearly Defining the Nature of Legal Protection

1. Core Purpose of Protecting the Interests of Minority Groups

The "Law on the Protection of the Rights and Interests of Same-Sex Partners" should clearly position itself as a protective law. Its primary and core mission is to effectively safeguard the legitimate rights and interests of the homosexual group, which is a minority group. This law aims to build a solid legal barrier for the homosexual group to ensure that they are free from unfair

treatments such as discrimination and exclusion in all aspects of social life, including employment, housing, medical care, and social interaction, so that they can enjoy basic human rights equally with other members of society and maintain their dignity.

2. Coordination and Unification with Mainstream Social Values

Although the homosexual group objectively exists, it cannot be ignored that the mainstream social values and development direction will still be based on heterosexual marriages and families for a long period. Therefore, when formulating the "Law on the Protection of the Rights and Interests of Same-Sex Partners", it must be made clear that it cannot be misinterpreted as a basis for encouraging or inducing more people to choose a homosexual lifestyle. The law should seek a balance between protecting the rights and interests of the homosexual group and the overall value orientation of society on the basis of respecting mainstream social values, avoid the confusion and conflict of social values caused by improper interpretation or implementation of legal provisions, and ensure that society maintains stable and orderly development while being diverse and inclusive.

(III). Principle of Democratic Legislation and Guaranteeing Public Order and Good Customs

1. Importance of Extensive Public Participation in Legislation

The democratic principle is the cornerstone of modern legislation. In the process of formulating the "Law on the Protection of the Rights and Interests of Same-Sex Partners", ensuring extensive public participation has irreplaceable significance. It is necessary to comprehensively collect the opinions and suggestions of the public through multiple channels so that the legislation truly conforms to the will and interest demands of the people. Public participation in legislation not only helps to fully understand the awareness, attitudes, and expectations of all social strata regarding the protection of the rights and interests of the homosexual group but also provides rich practical experience and social wisdom for legislation, making the legal provisions more operable and adaptable, thereby enhancing the authority and credibility of the law.

2. Dual Effects of Improving Public Awareness and Guaranteeing Public Order and Good Customs

Extensive public participation can objectively and effectively improve the public's understanding and awareness level of the homosexual group. As the public participates deeply in legislative discussions, they will have more opportunities to contact and understand the real living conditions, difficulties faced, and reasonable rights and interests demands of the homosexual group, which will help break down the barriers of prejudice and discrimination and create a more inclusive social atmosphere.

At the same time, extensive public participation can maximize the manifestation of public order and good customs in the process of legislation and law implementation. The public, as the inheritors and guardians of social moral customs and traditional values, can ensure that legal provisions are in harmony with public order and good customs in the process of participating in legislation, avoid social contradictions and conflicts caused by the disconnection between the law and social moral concepts, and ensure the smooth implementation of the law and the harmonious stability of society.

VI. Conception of the Legislative Content on Same-Sex Marriage in the "Law on the Protection of the Rights and Interests of Same-Sex Partners"

The laws related to same-sex marriage in the "Law on the Protection of the Rights and Interests of Same-Sex Partners" can draw on the laws related to heterosexual marriage to a large extent. Therefore, the following conceptions will refer to the content of the Marriage and Family Section in the "Civil Code of the People's Republic of China" to a great degree.

(I). Registration and Establishment of Marital Relationships

The provision that "Both the man and the woman who intend to marry shall apply in person to the marriage registration authority for marriage registration. If they meet the requirements of this Law, they shall be registered and issued a marriage certificate. The marriage relationship shall be established upon the completion of marriage registration. Those who have not completed marriage registration shall make up the registration." shall be changed to "Both parties who intend to form a same-sex partner relationship shall apply in person to the same-sex partner relationship registration authority for registration. If they meet the requirements of this Law, they shall be registered and issued a same-sex partner relationship certificate. The same-sex partner relationship shall be established upon the completion of registration. Those who have not completed registration shall make up the registration. When registering, both parties shall submit their identity certificates, a statement of voluntarily forming a same-sex partner relationship, and relevant materials that can prove their willingness and ability to live together (such as a cohabitation certificate, joint financial planning, etc.)."

(II). Property Relationships

1. Definition and Handling of Joint Property of Same-Sex Partners

The property obtained by same-sex partners during their cohabitation shall be jointly owned by

them, unless otherwise agreed. Both parties have equal rights to dispose of the joint property. For example, major properties such as houses and vehicles purchased jointly by both parties shall be regarded as jointly owned by both parties without special agreements, and one party shall not dispose of them without the consent of the other party. If one party disposes of the joint property without authorization, the other party has the right to apply to the court to revoke the disposal behavior to safeguard the equal rights and interests of both same-sex partners in property.

2. Conclusion of Property Agreements by Same-Sex Partners

Same-sex partners can conclude property agreements in accordance with the law, stipulating the ways of property distribution during their cohabitation and after the dissolution of the relationship. For example, both parties can agree that their respective properties are independent during the existence of the relationship, but under certain circumstances (such as when one party is ill or unemployed), the other party has the obligation to provide financial assistance; or they can agree that after the dissolution of the relationship, the property shall be distributed according to a certain proportion to avoid complex property disputes caused by changes in the relationship.

(III). Medical Security

1. Medical Decision-Making Rights of Same-Sex Partners

When one of the same-sex partners is ill and needs medical treatment, the other party has the right to sign the medical consent form as a family member and enjoys the rights to visit and obtain information about the patient's condition. For example, when one party undergoes a major operation or suffers from a serious illness, his or her same-sex partner can perform the relevant rights and obligations of a family member in the hospital and participate in the medical decision-making process to ensure that the ill party receives timely and proper treatment.

2. Sharing of Medical Insurance Benefits by Same-Sex Partners

Both same-sex partners should jointly enjoy the relevant benefits of social welfare such as medical insurance. If one party's employer provides medical insurance benefits, under the circumstances that meet the relevant regulations, his or her same-sex partner should also be able to enjoy some or all of the benefits, such as outpatient reimbursement and hospitalization subsidies, to reduce the medical burden and reflect equal treatment of same-sex partner relationships in medical security.

(IV). Support and Maintenance

Same-sex partners do not have a legal obligation to support each other's parents, but they are encouraged to assist their partners in taking care of their parents on a voluntary and capable basis to enhance family harmony. For example, when a partner's parents are ill or unable to take

care of themselves, the other party can provide help, such as accompanying them to see a doctor and taking care of their daily life, but such behavior is a voluntary act based on emotion and morality, not a legal requirement.

(V). Restrictions on Rights

1. Adoption Restrictions for Same-Sex Partners

Same-sex partners shall not jointly adopt children. This is to consider social ethics and the protection of children's rights and interests and avoid possible adverse effects on children's growth caused by the same-sex family environment. Although same-sex partners can contribute to the social welfare of children in other ways, they should be restricted in adoption.

2. Loyalty Requirements for Same-Sex Partner Relationships

The provisions on bigamy in the traditional Marriage and Family Section of the "Civil Code of the People's Republic of China" do not apply to same-sex partner relationships. However, during the existence of the same-sex partner relationship, both parties should remain loyal and shall not establish similar partner relationships with other same-sex or opposite-sex individuals. If there is a violation, the innocent party has the right to dissolve the partner relationship in accordance with the law and require the at-fault party to give certain economic compensation to maintain the stability and seriousness of the same-sex partner relationship.

(VI). Protection and Relief of Rights and Interests

1. Establishment of a Rights and Interests Protection Mechanism for Same-Sex Partner Relationships

Establish a rights and interests protection institution for same-sex partner relationships, which is responsible for handling various problems encountered by same-sex partners during the existence of the relationship and after its dissolution, including providing legal advice, mediating disputes, and supervising the implementation of rights and interests protection measures. For example, when property disputes or personal rights and interests infringements occur between same-sex partners, they can seek help from this institution, and the institution should intervene in a timely manner and assist in solving the problems to safeguard the legitimate rights and interests of both same-sex partners.

2. Litigation Rights of Same-Sex Partners

When their rights and interests are infringed, same-sex partners have the right to file a lawsuit with the court and require the infringing party to bear corresponding legal responsibilities, including ceasing the infringement, compensating for losses, and making an apology. When hearing such cases, the court should make a fair and just judgment based on this Law and

relevant laws and regulations to ensure that the legitimate rights and interests of same-sex partners are effectively relieved.

(VII). Dissolution of the Relationship

1. Negotiated Dissolution of Same-Sex Partner Relationships

Both same-sex partners can dissolve the partner relationship by consensus and apply to the registration authority to cancel the same-sex partner relationship certificate. When the relationship is dissolved, both parties shall divide the joint property in accordance with the previously concluded property agreements or the provisions of this Law on property relationships. If both parties cannot reach an agreement on property division and other issues, they can file a lawsuit with the court, and the court shall make a judgment in accordance with the law.

2. Restrictions after the Dissolution of Same-Sex Partner Relationships

After the dissolution of the same-sex partner relationship, both parties shall not establish a same-sex partner relationship with others within a certain period (such as one year) to avoid instability in society and personal life caused by frequent changes in partner relationships. Meanwhile, both parties should respect each other and shall not maliciously slander or disclose the privacy information of the other party during the partner relationship period, otherwise they will bear corresponding legal responsibilities.

(VIII). Other Provisions

1. Equal Rights of Same-Sex Partners in Social Activities

Same-sex partners should enjoy the same respect and treatment as heterosexual partners in social activities. No unit or individual shall discriminate against or treat them unfairly because of their same-sex partner relationship. For example, in aspects such as employment, housing, and public services, same-sex partners should not be treated differently, and their rights to participate equally in social life should be guaranteed.

2. Encouragement of Research and Publicity on Same-Sex Partner Relationships

The state should encourage and support research on same-sex partner relationships and related issues to better understand the needs and characteristics of the same-sex partner group and provide a scientific basis for improving relevant laws and policies. Meanwhile, through publicity and education and other means, guide the public to correctly understand same-sex partner relationships, eliminate prejudices and discrimination, and create an inclusive and harmonious

social environment.

In general, the above conceptions of legislative content are only a preliminary attempt to think about this issue. However, in the actual legislative process, it is necessary to fully consider various factors in society, widely solicit opinions from all sectors, conduct in-depth and detailed demonstrations and studies in the academic community to ensure the scientific nature of legislation. At the same time, it is also necessary to continuously pay attention to the changes in the same-sex partner group in the process of social development and adjust and improve the law in a timely manner.

Conclusion

The existence of the homosexual group is influenced by a variety of complex factors, and the protection of their rights and interests urgently needs to be strengthened in China's current legislative environment. Given that the scale of the homosexual population in China is constantly expanding, while the existing laws in this field are lagging behind, and there are numerous obstacles to directly amending the Marriage and Family Section in the "Civil Code of the People's Republic of China", formulating a special "Law on the Protection of the Rights and Interests of Same-Sex Partners" has become a necessary measure.

This protection law can draw on the relevant content of the Marriage and Family Section in the "Civil Code of the People's Republic of China". For example, it can provide clear definitions of rights and interests for homosexuals in aspects such as partner relationship registration, property handling, and medical security, enabling them to have a legal basis when dealing with issues such as property disputes and medical decision-making. Meanwhile, by establishing rights and interests protection institutions and endowing litigation rights, etc., it can provide guarantees for the relief of their rights and interests. However, in order to maintain public order and good customs, behaviors such as same-sex partners' adoption of children should be restricted.

Such a "Law on the Protection of the Rights and Interests of Same-Sex Partners", which is independent of the Marriage and Family Section in the "Civil Code of the People's Republic of China", can not only provide basic rights and interests protection for the homosexual group and promote the development of society towards diversification and inclusiveness but also avoid possible social problems to a certain extent and ensure social stability and harmony. Of course, its specific legislative process needs to comprehensively consider various factors, widely solicit opinions to ensure the scientific, reasonable, and adaptable nature of the law, and it should be adjusted and improved in a timely manner according to the dynamics of social development.

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