ISSLP
Interdisciplinary Studies in Society, Law and Politics

OPEN PEER REVIEW

Reinterpreting the Legal Ruling on Marriage of Intersex Individuals in Light of Dynamic Jurisprudence and Comparative Law: A Case Study of Iran and England

Mohammad. Alinejad Asl[1*]

[1] Department of Law, Mak.C., Islamic Azad University, MAKU, Iran

*** Corresponding author email address**: M_alinejad@iaumaku.ac.ir

Received: 2025-06-07	**Revised:** 2025-10-15	**Accepted:** 2025-10-22	**Initial Publish:** 2025-10-29	**Final Publish:** 2026-06-01

EDITOR:
Cavid Qasımov
Prof, Faculty of Letters Department of History, Van Yuzuncu Yıl University, Van, Turkiy. Email: cavidqasimov@yyu.edu.tr
REVIEWER 1:
Nabeel Bani-Hani
Faculty of Education Specialization, Wasit University, Wasit, Iraq. Email: nabeelhani@uowasit.edu.iq
REVIEWER 2:
Mehmet Çevik
Department of Social Sciences, Ankara University, Türkiye. Email: mehmetÇevik@asbu.edu.tr

1. Round 1

1.1. Reviewer 1

Reviewer:

In the Introduction, paragraph beginning “The phenomenon of congenital gender diversity or ‘intersex’ as a biological reality…” would benefit from an explicit articulation of the research gap (e.g., lack of codified Iranian law, insufficient comparative models) rather than implying it indirectly.

The UN statistic “approximately 1.7% of the global population” (Introduction, para. 2) is important but should include the full UN reference or a more recent global intersex prevalence estimate to strengthen credibility.

The list under “Iranian Legal System” (Section 2.2.A) states “Gender essentialism — Traditional Islamic jurisprudence tends to view sex as fixed and unchangeable”. This is strong; consider qualifying it by referencing the nuanced debates within contemporary fiqh that you later discuss in Section 3.2.

The Abstract and Introduction describe the study as “descriptive-analytical,” but Section 3’s analysis reads as normative legal reasoning. It would help to briefly state how sources were selected and analyzed (e.g., key statutes, case law, fatwas, human rights reports).

In the comparative framework (Section 5, Comprehensive Comparative Table), the selection of England as the only Western comparator is justified but implicit. Consider explaining why England’s legal system is a suitable and representative comparison (e.g., influence of ECHR, common law reasoning).

Section 4.2 effectively references ECtHR cases like Goodwin v. United Kingdom but could briefly explain their binding nature on UK domestic law to clarify why they forced legislative change.

Authors revised the manuscript and uploaded the document.

1.2. Reviewer 2

Reviewer:

Paragraph beginning “Within Iran’s legal system, rooted in Islamic jurisprudence…” briefly contrasts Iranian and English approaches but does not cite the broader Islamic legal discourse beyond Jaʿfari fiqh. Consider including at least one comparative Islamic source (e.g., Sunni or other Shia positions) to situate the Iranian model.

Section 2.1 uses both khunthā mushkil and khunthā ẓāhir. Later (Section 3.1), the terms appear without immediate redefinition. Adding a brief parenthetical reminder in Section 3 will aid reader comprehension.

The discussion of Tehran Family Court Judgment No. 9209970221400375 (Section 3.1) is excellent but would benefit from more procedural context (court level, appeal status, significance) to illustrate judicial trends.

In Section 3.2, the paper references Ansari (1999) and Fazli (2019) to show minority views allowing more flexibility for khunthā mushkil marriage. It would strengthen the argument to summarize how these authors interpret lā ḥaraj fī al-dīn differently from mainstream jurists.

The Gender Recognition Act (2004) and Marriage (Same Sex Couples) Act (2013) are presented clearly (Section 4.1), but the paper could briefly note ongoing UK legal debates about non-binary recognition (e.g., failed reforms), to show legal dynamism.

Authors revised the manuscript and uploaded the document.

2. Revised

Editor’s decision: Accepted.
Editor in Chief’s decision: Accepted.