Jurisprudence and Legal Sex Change Review

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ABSTRACT: This article is a review of jurisprudential and legal change of gender. Legal background to the concept of true transsexuals and transgender species and areas, the research has organized discussions income. Types of permissible and impermissible sex change sex change of attitudes and opinions of Muslim scholars and Quranic arguments pro license any of the views, the main body of this research is considered. Existing shortcomings are there in the final section of this paper. Keywords: Sex change / Neutral sentences / Rights in Iran

INTRODUCTION

Transsexualism is correct gender or transgender translate French words Means that the transformer is better to be neither corrected translation gender nor sex change. However, both the paper and in a sense will be used during the study. First, it is necessary to identify that so-called Transsexual the criteria that are provided by physicians and psychologists to determine a person's sex is until the definition thereby achieve them. The genetic material of germ cells with two X chromosomes for females in the same x and both x and Y chromosomes for males it is heterogeneous. The detection of hormonal sex hormone that is secreted from the glands of the body. The anatomical basis of sex which are members of the body surface. Finally, the psychological sex of a person means that apart from all the above mentioned criteria, spiritually aware of their belonging to a particular gender.

With this introduction, transsexualism subject to credit the person who made transsexualism his mental with the above criteria, he is at odds with chromosomal sex, hormonal and anatomical. Such a person is a victim of his unforgivable mistake of nature or parents because he believed the man had attended his psychological sex, sex. She looks like she has been manifested, or vice versa. So it happens that persons seeking remedy to cure the defect or noncompliance found to address them. So transsexualism the "psychological conflict, gender, sex or sexual behavior with apparent that usually apparent sex chromosomal and hormonal sex, in turn, is the result." The law and the rights of these individuals, often as a neutral (physical or psychological) are introduced. Neutral or physical body, which refers to a person's body, both male and female gender symbols there. These symptoms may predominate over the other or one is the most recent case, the problem is said to be neutral. But psychologically neutral, which refers to people in terms of the physical symptoms are either male or female. But mentally you do not have the sex sexuality have sex. Physical symptoms may be partially to gender, such as female gender signs, but in case someone is used puberty. Advances in medical knowledge and experience, it provides bed and transsexuals. Because many people approach to the world of men and women in four sex-change process, gradually it has become one of the most important and challenging issues. As the range of approaches, forms, legal work, legal, psychological outcomes, ethical and cultural change, gender, this school is one of three interdisciplinary issues of ethics, medicine, theology and law and so on, and student-centered discussion of these three areas located in Knowledge proponents, opponents and questions are included. The greatest burden of the knowledge of jurisprudence, that "Feghh Al Quran" What the one hand, and emerging issues require transsexuals and many inferences and theories with fundamental questions such permit or prohibit, condition of physical, mental and task that fails to respond to appropriate, additional knowledge will remain neutral about it. On the other hand, tradition and religious narratives, the color of the needs and concerns of the time, while waiting and expectation of Quranic teachings in various fields, including law, eternal and monitoring of time and space.
Transgender legal history

The discussion on the subject of sex is identifiable and separate from each other. A discussion of sex and bisexual individuals neutralize the symptoms often return an item, without surgery and medical work done on someone. This is the background history of the genesis of the human race. All religions have faced with this phenomenon. In Islamic law, a detailed report on this issue is presented in narrative texts; Such as gender-neutral version of the problem in the time of Imam Bagher, Imam Ali cited rule (Tousi, 9/454). The various chapters such as inheritance, compensation and legal marriage, incest, religious rulings of Islamic jurists and scholars and stopped the discussion and research has been done about it. The second argument, transgender people, sex is a means of surgery. It's not a very long history of debate in Islamic jurisprudence. First, because of the new medical tools and processes, the design and appearance of the other sex change in its true means that the individual's physiological and psychological characteristics of men and cases it desire laid upon him by nature. (Haman.)

Sex change concept

Creation system to achieve goals such as peace and security, and the continued proliferation of the human race, and the psychological mechanisms play a couple of men chosen for each pair, and special functions are considered. Two couples each person, and therefore he takes off to their functions, in accordance with the sexual functions in both the structures of organic, emotional, and mental traits, qualities and characteristics that are different from the other in instincts and disposition both men and women, it has been entrusted. Like the man in need and seeking instinct, and the instinct to look cute and put her in front of her physical weakness and physically strong man, and thereby compensate the (Motahari, / 49-47). The mission is always the male and the female to show his love and need. The mandate given to the female gender is not dealing with beauty and grace with disdain and elegantly, Dell does not hunt any more rough sex and her heart is through his sensitive and they will appoint his own serve. (Haman.) The cause of the cosmos, both men and women each time they desire in their bodies: On the one hand, another sees itself as flawed and needs to be based on the rule of law and the imperfect passion, perfection, eager and willing to join the opposite sex. On the other hand, wants to play the role and function that is laid upon him by nature. The result is that each of its appeal and attraction between men and women, natural desire to join with the other sex desire and gender identity in their own interest to keep searching. But in some cases it happens that a person without the desire to join other symptoms, seek to change the nature of the particular job role and he put the transformation. The result of this desire to have a sex change. The most complete sex change in its true means that the individual's physiological and psychological characteristics of men and women with masculine or feminine characteristics and physiological decide which determines the gender of their members and the main symptoms being considered one of the two groups of men and women, the sex change. But how to measure the attributes of the process of spiritual, mental and emotional that the genes for both men and women are inextricably linked, accepts change, the scope and span many sciences such as jurisprudence, and the law as it is and why. Today, the issue of "sex change" is not only a medical perspective, but also in terms of legal matters. Although in the past there have been issues, more or less, but now, with advances in technology and medicine, we are facing has opened a new dimension resulting in dozens of new threads created, which is required in law and jurisprudence, for it is stated in the answer. Some of the Shia jurists, "sex change" as such matters are considered Mostahadeseh and new efforts have done in this way. Perhaps the first jurist has stated that these issues, the founder of the Islamic Republic of Iran, Imam Khomeini, which is about 1342 AD, transgender provisions in Tahrir Alvasileh the second volume. Is the "sex change" possible in healthy subjects? What is the contact with the neutralization of transgender people? After a sex change, how will relations between the spouses?
Is your marriage or to continue to remain husband and wife are separated? One of which spousal status, or both are transgendered, how will the children? Subject dowry, inheritance, guardianship and custody of children...

"Transgender" rights and jurisprudential grounds for new topics that have been considered in this paper, it briefly. It is hoped that the experts, scholars and students reviewing and assessing the growth and transgender issues, new issues, is in itself, can help.

**physiology of sex change**

Male cells (sperm) there is not a lot in the 60 to 120 million and 400 million of those times, there is not a cubic centimeter. These two types of sperm: sperm x and y; than this number of male cells, only one sperm has a chance encounter with an ovule. If the sperm and ovule composition x is there a child, she will ovulate and the sperm y be combined with the son, the son would be. But the problem does not end here, testicular glands and other body fluids, the symptoms may appear male and female sex hormones, the symptoms will appear in this material. If this hormone is secreted little or no discharge at all, even the sign of the opposite sex, the person may appear to the people, "bisexual," "neutral" or "hermaphrodite" is defined. Thus, a child, or a son or daughter, or due to disturbances, "bisexual" would be in terms of jurisprudence, known as the "neutral". These women have a penis and testicles, and the disposal of cases, both penises are not. In fact, these people are male or female or third gender is not included. If one of these two functions of the penis, the more neutral person, the person shall be joined to the same sex and in the experiments, but they sometimes determine a person's gender, the dominant function of both the penis case of a tie no which does not prevail over others jurisprudence from which the language of the "neutral problem" is interpreted. According to doctors, most are sterile and bisexual are just a few of the children, it is a unique and exceptional, the sources of jurisprudence and hadith, it is stated: Shoreyh judge while the judge was present in the house, behold, a woman came into the house and told a judge! Judge between me and my enemy. Shoreyh it said. Who is your enemy? She told you! Shoreyh said: Way to let him through and he will enter Parliament. The judge said to him: What is a complaint? I said well what men are and what women are like! Shoreyh said Ali (AS) [in this case] will be judged on the basis of the urinary tract. He said my urethra and I both are both disconnected. Shoreyh said: I swear to God, I did not hear anything more surprising than this, she said, it is more surprising, said Shoreyh what is it? Said my husband had intercourse, she got out, and I got intercourse with his slave and he brought me out guys! While it was extremely surprised Shoreyh hand on his arm, then Imam Ali (AS) and Shoreyh said: Ya Amir Al-Momani! I arrived on a surprise I did not hear it, and then her story would suggest. Then Amir al-Momenin (AS) asked her about it, she said the same thing. Amir al-Momenin (AS) said to him: Who is your husband? Said: X. Imam sent someone after him and called him and said: Do you know him? Yes, she is my wife. Then he had said what she had asked. He said it's the same. Amir al-Momenin (AS) said to him: "You're braver than that is mounted on the valve because you are approaching the situation with him! Then Amir al-Momenin said: Ghanbar! The woman with another woman inside a pot to count his ribs. The woman's husband said: 'O Amir al-Momani! I trust he will not know the man or woman. Amir al-Momenin (AS) said: Dinar eunuch (who was righteous and trusted Kufa) Bring it to me. The Prophet said: O Dinar! Get into a house with this woman and she's naked, and he commanded to give her ribs limp on one of his close. Dinar did it, the ribs until he was seventeen, and eight to the right nor to the left, hence, Amir al-Momenin (AS), clothing and footware, men's' wear his hat and cloak on the shoulder and to consider him among men. Husband said: Ya Amir Al-Momenin! She is the daughter of my uncle's children; however, you can count him among men! He said: My Lord sentence imposed on him was because God "Eve" of the left side, "man" created and (hence) the number of defective gear for men and women transmission is complete. (Vasael Al Shi, 576 / 17). Allama Majlesi (ra) Hadith says the following: "The story of the Sunni scholars have observed and recorded in their books. Therefore, the Shia Ulema, Sheikh Mofid and Ebne Edris, despite news that the unit will not work, as it narrates the story of his unit as they are known, have done. Allama Helli (ra), the correct version of the document as saying that those who have weakened version of the document, it did not matter. (Rozat Al Mottaghin, 290/11). Contemporary jurisprudent says: "This account comes from a person's reproductive role can be either male or female, can play a role and the theme of this story I shared with some of the doctors, they said, the history of medicine, there is no such thing. (Momen, 1415/1)

**Types of sex change**

It seems that the word "sex correction" better terms "transgender" is because some doctors believe that, in the case of transgender men and women are completely full, any defect that is not there and it is impossible . The only thing about this surgery is that the person will carry out the disposal of two parts; one eliminates up to be another strong (Haman). This practice is not in fact correct gender sex change as a neutral or male or female, who has a clear conscience with surgery that perhaps the term "sex determination" rather than "sex change" is also
appropriate. Modification or change of gender is as follows: 1. who has a penis, but the body is covered with surgery, real sex is clear. 2. A person who has both a penis and women, who have one surgically, removed. 3. Someone who only has a penis or a man or woman, while his creation is perfect and no compromise in him. Nevertheless, it is assumed that a fourth person who lacks both the penis and the Shi'ite jurists, late as the first martyr of the late martyr Saani, discuss it in neutral person (the heir) have been proposed, such as the 'lottery' or other legal means, first define the sex he has, then he has the right to pay inheritance. (Martyr Saani, 527/8).

According to the passage, what can be said, first, "neutral" or someone who is both a penis, or a penis that is lacking both jurists Shi'ite jurisprudence, both entitled "Mirass Al Khonsa" raised (Haman) while some other jurists, anyone know where the neutral is both penis. Jame Abbasi's book "The neutral is he who has a penis and vulva woman (Tousi, 1987/2), and secondly, talk more about transgender people is neutralized. So, the people who created them perfect and there is no defect in the body to change and transform their sex, the opposite sex is rare, but in some advanced countries like the UK have surgery, a woman's uterus. Inserted into the abdomen of a male and a special drug injection, the man turned to the woman and as a mother shall work!

**METHODOLOGY**

**Sex change and survival marriage issue**

If one of the partners or both, to change their sex, marriage and how it comes? Is marriage still remain or are these two separate? Here, there are some forms that each sentence be checked:

First case: this is just one of couples changing sex; in this case, the marriage is invalid because there is no possibility of survival and married a man with a man or a woman marry a woman from Shi'a law and civil law is not legitimate. Civil law, the necessity of gender differences in marriage refers to the material, for example 1035, 1059, 1067, 1122 and 1124 cited. In the 1069 BC. M is "a way for the couple to any other third parties without a doubt is the condition for the validity of marriage. In practice, when the head office and ask to register the marriage, sex differences to obtain a birth certificate if either party refers the dispute may be stating the marriage contract will flow and it is the official office of the Register shall be married. It may not actually represent the birth, marriage between same sex are closed. This contract is void, but certainly for annulment of marriage documents and certificates should go to court and the court referred the matter to an expert (doctor), if it determines that the parties are the same sex marriage ruling invalidity and revocation of certificate document and modify it offers. One can assume that a neutral person (either sex) is the dominant aspect of the man or woman he would marry another person of the opposite sex but over time, the changes that occurred in the condition of her sex change, on the assumption that it is possible, finally, he is revealed in the surgery, sex change and thus realized that sex differences exist during the marriage going. In this case, the marriage is properly locked, expired or not? When the difference between the sexes during marriage and marital marriage must be provided in other words, primarily between the sexes and the condition of the marriage of transsexuals will be canceled. However, the court must establish a sex change based on expert opinion and decree of nullity of marriage on sex change will happen. (Family Law, 44).

Second place: transgender couples who are both asynchronous (non-symmetric): In this case, as in the former case, the marriage is void because the former does not permit legal marriage for survival. As soon as one of the partners to change their gender, such as women becomes men, the new mode will be either same-sex marriage will destroy the former. If a woman after a sex change, a bond that does not comply with the requirement to conduct a marriage sermon. The third: Couple two, and at the same time they are transgender (symmetric): If you have couple time to change their gender, whether the marriage survives or is revoked the former, there are two possibilities: first possibility: the former marriage is still successful. Explain the reality of marriage; parity is not any more than any other. In this case, the state and how it has changed before and after surgery. Thus, the current pair, previously the wife, husband and wife, were already present in the new situation, to comply with any means other than the marriage itself still remains. Ultimately, it is the duty of every one is different from the former. Men present (after sex change), formerly the duties of a wife (wife) were in charge and current wife (after sex change), and formerly the duties of a man (husband) were undertaken. Second Chance: This is no longer the marriage, and the new state Override is the addition of the parity between the parties in the marriage, it is also necessary that something else, this guy is even married to a woman who He is the reason that the term "dissimilar than adding the" say it means two things, there is only one side of a specific proportion of the other side there is no comparison. For example, the relation "father" between Ali and Javad is one-sided and that the "father" Javad is also related to the "son" is exclusively unilateral. While the relationship between the "sister" relationship that exists between two women "brotherhood" between the two men, there is a logic to it both ways "or about the same as the" say. Considering what happened between the couple, the kind of 'dissimilar around "and that the relationship, the couple has a sex change, is gone. Thus, the former marriage, and the parties have canceled their life together,
they need a new marriage. Imam Khomeini (ra), the second possibility to accept as obligatory precaution, but in the end, he probably prefer. He says: "Obligatory precaution is that the marriage is updated and current wife (who was formerly a man) to marry a man unless it is separated from his former wife with divorce and it is not unlikely that remains of the former marriage (and two after the sex change, are husband and wife); 9 while among some contemporary jurists, former marriage is gone. (Imam Khomeini, 1987 / 2)

**Sex change and dowry problem**

"Dowry" is a tribute to the men and women of marrying the owner is required to pay. In October the Iranian law, as it is based on Western legal tradition and religion cannot be found. Even if the marriage between couples, love is not specified, in accordance with Article 1087 and 1093 of the Civil Code shall be entitled to the woman, "October saying." However, if a woman has a sex change, you are entitled to dower or the dissolution of the former marriage, bride price has dropped and it will not be required to pay the man? The answer, probably four or theorize, and we will examine them briefly: First idea: paying dowry is not absolutely necessary, whether or not the entry is made. Marriage is the fact that the "dower" the price the "woman’s Cab". The termination of the swap pays a sex-change after he returns to first place in the new situation, the couple will pledge against dowry payments. The first of these studies: the marriage proposal and acceptance of credit is due to the fact that the parties are husband and wife together, and "dowry" as a gift a man gives a woman is not involved in the origin and nature of the contract. So, after the sex change one or both of the spouses, the necessity of paying the dowry is already committed, do not change anything. First confirm: According to the provisions of Article 1087 Civil Code marry without dowry to read, does not invalidate the marriage referred to Mohr Al Masal given. It is as if the element of dowry marriage, nullity of marriage dowries should not be mentioned. While jurists and lawyers are allowed to marry authenticity. The second confirms: Read dowry if the marriage is mentioned, but the man refuses to give dowry, the marriage is void, but the man is guilty. And the woman can legally require to pay a dowry to the couple on the basis of Article 1082 of the Civil Code, upon marriage, her dowry shall be the owner. Third confirm: Quran before the marriage dowry is accepted if the women prior to sexual intercourse or the seal (a token) to divorce, not your sin. (At this time), it (the perfect gift), please enjoy who has the ability, as much ability, and who is poor, as his own proper gift (which is appropriate donor and recipient) must give. It is necessary and good. (Baghareh, verse 236). According to the verse, before the divorce, dowry, and it is assumed that there is an offshoot of divorce is marriage. In other words, marriage is not fulfilled while setting a marriage dowry by the lawyers and jurists, the order is not valid. Second theory: Payment of dowry is absolutely necessary, what is intercourse or not this could be due to the fact that dower, as it was said in the first of these studies, it is a credit and interest on the principal and the nature of marriage and dowry the wife of the owner and can capture any requirement in rule making and companion of the dowry even after the contract void the gender remain ownership woman. This idea, free of Imam Khomeini (ra) is. He says: "If a woman marries a man and woman change after marriage sex marriages, transsexuals since expired, and the man of penetration, as well as the promise to pay the dowry in case of non-penetrative Aghavi, dowry payments should be done."(Imam Khomeini F 1987/2). Third theory: the entry, payment of the bride price and dowry except the half. The reason for the existence of valid news, Fatwa Islamic jurists and civil law is that in all these cases, it is necessary to enter all dowries conditional knows. Abdullah Ebn Sanan quotes from Imam Sadegh (AS) that the Prophet was asked about a man who married a woman has intercourse also how will his situation? Prophet said: If the entry has been "washed", "dower" and "number" is obligatory (Vasael Al Shi, 15). Imam Khomeini (ra) says: "The soul contract, and will be entering her own dowry, dowry ownership of all finds. As before penetration male, divorced, (and she also has received the full dowry) she gives back half of the dowry."

Article 1092 of the Civil Code says: If a husband can divorce his wife before she would be entitled to half the dowry and if the couple already has more than half of the seal, right, or just over half of it to or to refund its price. Considering what happened, if it is not done by the penetrative sex between husband and wife separation is achieved, it will not be required to pay the entire dowry. Theory Four: If the hand transgender woman without her husband's permission is not required absolutely nothing on her husband, who is entering and what not. The reason for this is that the marriage and the husband pays dowry to the wife, the husband is the hope and purpose to his life. When a woman through a sex change, he makes his exit from parity, the husband made a financial loss on the guarantee it. Once you have received the dowry, it must be returned to the husband returns, and if not received, it is not right.

Theory of Four: According to scholars, as well as the 1082 and 1182 based on civil law, marriage is necessary that the wife upon marriage, dowry becomes the owner of all this is the assumption that women attempted sex change is not really financially from the husband died. Did not seize or destroy the garden, such
The issue of gender and inheritance

Transgendered individual who, what share of the inheritance from his parents to his current criterion is whether gender or sex-change? Parents also have to change the sex of their child inherits what extent, if desired, is her current sex or sex-change? This issue is examined in two cases: A. Individual changes gender inherit from their parents. B. Inherit their parents the sex of the child.

Mode A) In this case, the criterion of gender is a child present. If you are one of those die son or daughter has sex change (as a parent), son of the present doubling daughter inherits and is present in other classes inherit, so the female gender, gender reassignment, the daughter inherits twice uses and vice versa. The reason for this is that a religious person will have the testator at the time of death, is male or female. Like verse: The share of male inheritance, as is the share of two females. (Nesa verse 11). Article 907 of the Civil Code says: "... If you have multiple children, and some of the boys and some girls, boys, girls win twice. The children inherit from their parents; there is no difference between religions. Almost all those who have raised the issue of transgender, gender criteria considered were current at the time of death the testator.

Mode B) In this case, the probability is:

Probability 1: Parents have sex changes, all of the children do not inherit their genetic relationship is cut off completely. This possibility is unlikely. Because transgender is not included in the inheritance. Imamieh jurisprudence is derived from the civil law, refers to cases of inheritance. Article 880 says: "Murder is the inheritance ..." in Article 881 says: "The Muslim does not inherit the infidel ..." and in Article 882 and 883 to prevent the "deny causation" refers to and in Article 884 refers to adulterate. Thus, neither the law nor the civil law prevents Imamieh no mention of transgender parents and their children inherit the change can be made.

Possibility 2: The second possibility is that the inheritance. But there is also the possibility of two grounds: First base: the inheritance of breeding time. Second base: kinship and inheritance in terms of priority. Imam Khomeini (ra) says: "But the problem remains inherit the father, mother, grandfather and grandmother, who is a transgender father nor mother, no father present, is present, and is also the mother of the sex change If neither the mother nor the father of the present man. If you are a reproduction of the relative priority of conception or inherit, or that do not inherit (three possibilities)? There's a better question at this point is that we inherit and inherit it in terms of conception. So, the father and the mother at conception, 32 is 31 and the recommended precaution is that they must compromise. "(Haman.)

Sex change and not married problem

If a transgender woman to marry former shall be void. Immediately after you had sex change to marry or can you keep them? First possibility: sex change is like death and divorce and need some because some end and purpose, her dignity is respected. The second possibility: that transgender people are stumbling because some sentences, the sentences related to women and for men it is an illusion. Those defined in Article 1150 of the Civil Code says: "Many is the time to expiration of the woman that her marriage has been dissolved cannot marry a most other" a woman who married a sex-change So, males They do not need to be converted to hold. The second possibility, and the Constitution is compatible with Court Imamieh jurists.

DISCUSSION

Sex change and the issue of family titles

Whether you are transgender brothers and sisters, a brother and sister relationship is cut off completely or not? Imam Khomeini (ra) It says: "If any brother and sister sex change and become heterosexual, the other two will not be interrupted, but brother and brother, sister and sister, if you are transgender, two brothers and two sisters (two brothers, two sisters, and two sisters, two brothers are), and the uncle of a sex change to become "aunt" and the aunt of a sex change to become "Uncle "it is, as a transsexual, uncle to the" aunts "and aunt" uncle "are converted." Further explained that the title is twofold: 1. Common titles such as Uncle, uncle, aunt and daughter. Specific topics: a. Such as parents. (B). Such as son, daughter, brother and sister. As the family, are common titles, transgender people, as it does not cause any change. As a child, uncle, cousin and aunt, in the sense that if one has a sex change and is not removed as children from their parents as a child, he is the son of the current state of transgender boys and girls have been or vice versa. Also the uncle of the person who made the change, as well as her uncle and aunt and uncle as well as. If a family of specific topics (type A) is like being a father or mother; the question is if a parent changes you made to the "father" as "mother" is true or not, and also the
"mother" has a sex change as the “father” of his truth? The answer should be said as parental since its conception after a sex change, it remains as a father and as a parent will not and vice versa. The same “grandfather” and "grandmother" There is also a sex change is not to become a grandfather, a grandmother, and vice versa. If a family of specific topics (type B), such as a son, daughter, brother, sister, uncle, aunt, uncle and aunt in this case, the current state of the evidence and base. After a sex change to a girl and if it finds a "brother", "uncle" and "uncle" sex-change to "sister", "aunt" and "cousin" as is becoming.

Sex change and guardianship and custody of children

Under Article 1169 of the Civil Code, "to keep the baby, mom to two years from the date of his birth will be a priority. After expiry of this period unless the child is the father of female child until the seventh year, the custodial parent will be with them. If the mother or father had a sex change occurs, how will custody and child support? First case: Mother-to-male sex change in this province minors cannot find the child. The province as it is for the water to be the father that he is not, there is a child and as explained in the previous chapter, the father and mother, the specific topics that transsexuals, as these remain. So, as soon as transgendered mother, father, nor mother, he refers to it as well. Imam Khomeini (ra) says: If mom sex (to a male) varies province to his children is not fixed. But the children of the province, and the paternal grandfather had served as a judge. " Civil Code Article 1181 states: "Each father and grandfather have guardianship of their children," and Article 1182 Civil Code states: "Whenever a child is a father and grandfather, and one of them incapable of seizing the property, or the cause is barred against the molar is to be relieved of his legal guardianship." And in Article 1185 Civil Code reads: "Whenever a child but enforcement is incapable prosecutor is obliged to comply with the regulations on the guardian appointed for the child. Second case: Father-to-female transsexuals, in this case there are two theories: The first of these, "the male switched to the opposite sex, it appears that the province will be bringing his children" (Imam Khomeini 1987/2/599). The above theory can be stated for two reasons: The first reason: the province as the "water" is applied to a man after sex change; true "water" is not the parent. The second reason is: guardianship for the rest of the adjective virile father is fixed and the transgendered, the character is gone, so is the province bringing his children. Second theory: the male sex, sex change, it remains one of the province's children. Because, firstly, the heterosexual man who has become known as "Father" still holds true and he can tell that this person is my father's son, who has now become the opposite sex. In other words, the same person as the father has been established that he is the father of the child. For example, if a man close to his wife and the man goes away forever and there is no doubt that the guy son, father, son, is not nothing to it, while not being the baby in the womb, and to apply the same amount as is sufficient water although her sex change. And secondly, the reasons for such religious traditions cannot be concluded that the state of the province "manhood" is dedicated but it is in this sense that the province is "father", that means that anyone who married is his / her father. After sex change, survival is the province of the owner and cannot be verifiable because it's obviously a subject that has changed is who the children of the province, for he was fixed and now he is ownership.

CONCLUSIONS

Sex, like many of the phenomena it is relative and most people are lacking in their sex selection, so many factors are involved in determining the character of the community deserve more attention. Sex change is performed if the diagnosis is observed all the rules of jurisprudence and legal and is compatible with public order and good morals; sex change is permitted under the rule. All the Shia scholars adhere to the rule above transsexuals have a license. Following this change and transfer, social work, law and jurisprudence, the new person also varies according to gender. Hence it is necessary to no negative side effects, practice, especially if accompanied by careful monitoring.

REFERENCES

Haman, p 107; doctor Safaei about sex change says: "But it seems that the word transgender means, so that the assumption is more medical experts have said. All the people who are transgender men or women is not found ambiguity in any way it is not possible and just in case people are bisexual (hermaphrodite) the ambiguity of sexual dysfunction and other symptoms, are such as genetics and chromosomes, may be medical and scientific study of sex determination tests, this means it can be tested and evaluated in, a man or woman that was introduced in the other sex. [R. CPC. Lovely doctor and the doctor imam, family law, (Tehran: Tehran University, 1995), vol 1, p 45]
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