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GENDER TRANSITION AND GENDER DYSPHORIA: PERSPECTIVE OF GULF COOPERATION COUNCIL COUNTRIES

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ABSTRACT

Some people tend to change their gender due to a psychological mismatch with their original gender, which is known as gender dysphoria. This phenomenon has emerged in the Gulf Cooperation Council (GCC) countries in the last decade. How have the courts in these countries addressed the issue of gender change in the absence of legal texts governing this matter? On what basis will they issue their rulings on this subject? What is the legal status of someone who changes their gender due to gender dysphoria? The study employed descriptive, analytical, and comparative methods to analyze and compare court rulings, evaluating the solutions adopted by the GCC courts in this matter. At the end of the research, it was concluded that the courts in the GCC countries prohibit gender change due to gender dysphoria. The Gulf judiciary has been influenced in its rulings by Islamic Law, which has different interpretations. I recommend that the legislator in the GCC countries hasten to enact legislation that regulates this issue and not leave it to judicial discretion to end the transgender suffering because of the lack of legal recognition of the new gender they have transitioned to.

KEYWORDS: Gender - Gender Dysphoria - Gender Transition - Gulf and Gender Transition – Intersex - Suffering of Transgender.

1. INTRODUCTION

Some people, for various reasons, wish to undergo a gender transition process to change the gender they were assigned at birth. One of those reasons is gender dysphoria, a condition in which a person is dissatisfied with the gender assigned to them. Some individuals develop a strong sense of belonging to the opposite gender and experience psychological pain from being associated with the gender they were assigned at birth. This article focuses on the legal stance of those individuals who seek gender transition if they wish to pursue it. The phenomenon of gender transition due to gender dysphoria has emerged in the Gulf Cooperation Council countries, particularly over the last two decades. Consequently, cases involving individuals who transitioned their gender outside of the Gulf countries have been brought before the courts in all Gulf Arab states, where they demanded legal recognition of their gender transition in official records to align with their new reality. Therefore, it is important to understand the judiciary's stance in the GCC countries on this issue that has emerged in society, especially in light of the legislator's silence in these countries regarding this problem, neither by prohibition nor by permissiveness, to reach practical results and recommendations for this issue that troubles individuals suffering from gender dysphoria and wishing to undergo gender transition.

The research issue lies in the fact that gender transition in the GCC countries has become a reality, despite the lack of regulations governing this matter and the challenges associated with undergoing gender transition within these countries. Consequently, individuals who wish to undergo gender transition travel to foreign countries to have the procedure done, returning in search of legal recognition for the new gender they have adopted. This creates difficulties for the judiciary in issuing rulings due to the legislator's silence on regulating gender transition, whether by permitting or prohibiting it. The importance of this study lies in its comprehensive examination of the judiciary's stance in the GCC countries and the analysis of the reasons behind its influence, viewed from the perspective of Islamic Law, in issuing these rulings despite the absence of legal texts addressing this issue.

The study aims to answer the following questions:

- What is the judiciary's stance on gender transition due to gender dysphoria in the GCC countries?

- What is the evaluation of the judicial rulings issued on this subject in these countries? Why has the legislator refrained from regulating this issue with explicit texts?
- Why are the judicial rulings in the GCC countries influenced by the Islamic Law stance on this issue, about which the law has remained silent?
- What is the legal status of transgender individuals after undergoing the procedure outside the country?
- Why did the court not rule that gender transition is a matter of personal freedom?

2. METHODOLOGY

I have answered these questions by following descriptive, analytical, and comparative methods, where I present judicial rulings in the GCC countries, then analyze and discuss them and compare them, in light of the constitutional texts in the GCC countries, to reach the optimal legal solution to the issue of gender transition due to gender dysphoria, and to end the suffering experienced by transgender individuals due to the contradiction between their actual gender they have transitioned to and the gender recognized by the law.

The definition of gender identity disorder was examined, and its causes were identified both generally and specifically in the GCC countries by referencing articles from various international and regional journals, as well as global websites such as the World Health Organization.

When referring to court rulings in the GCC countries, excluding the Kingdom of Saudi Arabia, from which no rulings could be obtained, I cannot determine whether this is due to a lack of gender transition cases arising from gender dysphoria or if it originates from the closed nature of Saudi society, which does not publish anything related to gender transition. In the case of the other GCC countries (Qatar, the United Arab Emirates, Kuwait, Oman, and Bahrain), locating these rulings proved challenging due to the limited availability of most on court websites or in the official collections published by these courts. This scarcity is related to the sensitivity of the topic within these conservative Arab societies, which view this topic as a destabilizer to the long-inherited social traditions. Therefore, many of these rulings were referenced on news websites or in journalistic articles by various activists.

Examining the constitutional texts in the GCC

countries, court rulings have relied on these texts to prevent gender transition. By analyzing and comparing court rulings across the GCC countries, we can deduce the most effective solutions to alleviate the suffering of transgender individuals.

2.1. Gender Dysphoria and Gender Transition

What Is Gender Dysphoria?

Societies now distinguish between the sex a person is born with, which is the different biological and psychological traits of males or females such as reproductive organs, hormones, and chromosomes, and the gender of a person, which is the socially constructed characteristics of men and women (Gender and Health n.d., Monajed 2019). Gender dysphoria is a condition where a person feels immense psychological distress from feeling that they are trapped in the wrong body; in other words, the person feels that the gender they were assigned at birth does not match their gender identity (Turban 2022, Rubaii 2015, Saleh 2019). This condition, if not treated with care, may lead to tragic ends where the person chooses to end their life, as they feel unaccepted and unwelcome in society when their request to align themselves with the gender, they feel comfortable belonging to through gender transition is denied.

2.2. Gender Dysphoria Causes

The medical society has not yet reached a firm decision on the causes of gender dysphoria. However, some voices suggest a connection between sexual abuse, severe neglect, abusive parents, domestic violence, and intense, painful medications and gender dysphoria (Garg, Elshimy and Marwaha 2023). Other voices argue that a genetic factor may contribute to gender dysphoria. Still, they align with the majority of the medical society, as the causes and mechanisms of gender dysphoria remain unknown (Bakhityari, Gharehdaghi and Bakhityari 2024).

In Arab countries, the social impact may contribute to the emergence of gender dysphoria, which results from a person's social upbringing. They may grow up in a family that instills this behavior in them, nurtures the idea of dissatisfaction with their gender, and encourages them in it. For example, a family may have several male children and one female child who grows up alone among these males, or the opposite may occur, where a single male child grows up among several female siblings. This only daughter may imitate her male siblings in their behavior, clothing, appearance, and

speech, adopting all their traits. As a result, masculine traits may become deeply rooted in her psychologically through cohabitation and imitation. Over time, she may even come to hate her connection to the female gender (Par and Pasha 2023). In some cases, the family may give birth to an entirely feminine girl, but their preference for boys in Arab societies and their desire to have a male child lead them to treat this girl as if she were a boy, whether in terms of name, clothing, or treatment; this is to satisfy the family's desire and love for boys (Hussein 2023).

What Is Gender Transition?

Gender transition is the process a transgender person undergoes to be socially treated as the gender they feel comfortable and aligned with (American Psychological Association 2018). The person may choose to have medical intervention, which involves a series of medical procedures related to pharmacological treatments and surgical operations aimed at altering a person's physical characteristics to align with the gender the individual is comfortable with. In other words, these medical procedures result in the transformation of the person in terms of male or female physical features. However, it cannot change the genetics of the person because male and female chromosomes are different and fixed. If the transgender individual wishes, a gender-affirming surgery is performed to remove the individual's female or male reproductive organs, depending on the type of gender transition (Leonard 2025). Reproductive organs are constructed for the individual by taking a part of the patient's body, such as from their hand or thigh, as deemed appropriate by the doctor for each case. It is worth mentioning that medical interventions to treat gentle mutilations or hormonal dysfunction do not fall within the scope of gender transition, as it may be that the person is aligned with their assigned gender at birth, where gender transition is exclusive to people who don't align with their assigned gender at birth.

2.3. The Judiciary's Stance in the GCC Countries on Gender Transition Due to Gender Dysphoria

The judiciary in the GCC countries has considered cases related to gender transition due to gender dysphoria for individuals who were unable to undergo gender transition within these countries. They traveled abroad, especially to Europe and Thailand, to undergo the procedure, and then returned to their home countries, demanding that the judiciary issue rulings recognizing their new gender

and to change their records in the civil status registries based on their new reality. The following are cases from different GCC countries.

2.4. The Judiciary's Stance in The State of Kuwait on Gender Transition.

The issue of gender transition was raised before the Kuwaiti judiciary in a case filed by a person who changed their gender from male to female, seeking to have their name and gender officially changed in the documents. This followed a surgical procedure to transition from male to female, which removed their male reproductive organs and created female reproductive organs. The report submitted proved that although they had all the internal and external male characteristics from an anatomical and genetic standpoint before the operation, they were suffering from gender dysphoria. The first-instance court ruled in favor of the right to gender transition and the change of name and gender in official documents, as they suffer from gender dysphoria, and this condition is considered a necessity that permits exceptions to prohibitions. It is not considered a change in God's creation, but rather a treatment for a medical condition so that the person can fulfill their life responsibilities. The court based its ruling on a fatwa issued by Al-Azhar, one of the highest religious institutions for Muslims, which permits gender transition surgery in light of medical reports (AlJazeera News Network, Kuwait court approves gender switch 2004). When the matter was presented before the Kuwaiti Court of Appeals, it ruled to annul the first-instance court's judgment, justifying its decision by stating that the plaintiff's actions constitute a violation of God's law because he is fully male in terms of chromosomes and genetics, and that what he is experiencing is a psychological condition that does not permit gender transition (AlJazeera News Network, A Kuwaiti court overturns a ruling to change the gender of one of its citizens 2004, Kuwaiti Court of First Instance 2004).

Then, the Kuwaiti Court of Cassation confirmed the validity of the Court of Appeals' ruling, basing its decision on the fact that Islamic Law prohibits gender transition from male to female and vice versa in a manner that alters God's creation. It responded to what was raised before the first-degree court regarding the principle that "necessities permit prohibitions" and that what is forbidden becomes permissible in cases of necessity, by stating that one of the conditions for applying this principle is that the necessity must be compelling, such that the actor is

in a situation where there is a fear of loss of life or damage to one of the limbs. The Kuwaiti Court of Cassation concluded that there was no state of necessity for the appellant that would permit him to perform the prohibited act of surgically amputating his male genitalia and changing his gender from male to female. Therefore, what he did is contrary to Islamic law, which is a primary source of legislation. The objection to the Court of Appeal's ruling is unfounded and baseless. The court ruled against the appellant's request to recognize his gender transition from male to female and the subsequent change of his name to female in official records (Kuwaiti Court of Cassation 2006).

It is clear that the issue of gender transition is a matter of dispute in interpretation and exegesis in Islamic law, evidenced by the fact that the first-instance court based its ruling on Islamic law and concluded that gender transition is permissible. Similarly, the Court of Cassation also relied on Islamic law and deduced that gender transition is prohibited. The reason for resorting to Islamic law is that the law did not regulate this matter as permissible or prohibited; thus, the courts relied on the principles of Islamic law based on the Kuwaiti constitution, which states that Islamic law is a primary source of legislation (Kuwaiti Constitution 1962). The courts applied Islamic law in the absence of a text regulating this issue. Some courts concluded that gender change is permissible in Islamic law, while others concluded that gender change is prohibited in Islamic law. It is also noted that the court did not pay any attention to the contradiction that arose from its ruling; the law treats the transgender person as a male based on their birth gender, while in reality, they took hormonal medication and underwent surgery to transition and became a female.

2.5. The Judiciary's Stance On Gender Transition in the Kingdom of Bahrain

The judiciary in the Kingdom of Bahrain has had the opportunity to consider gender transition due to gender dysphoria cases twice: once in the civil court and once in the administrative court. The Bahraini Court of Cassation ruled in a case brought by a girl requesting prior permission to change her gender to male because she suffers from gender dysphoria, supported by medical reports indicating she has experienced it for several years. The court stated that changing gender due to gender dysphoria involves moving from a correct state to an incorrect one.

Additionally, it noted that Muslim jurists are united in their agreement on its prohibition because it alters God's creation. The court's rulings establish that Islamic Law applies in the absence of a legal text based on constitutional provisions. While Islamic Law permits medical intervention as a treatment for patients with organic disorders, gender transition for those experiencing gender dysphoria stemming from an internal sense of femininity or masculinity, referred to as "mental gender," is not allowed. The jurists have reached a unanimous agreement on its prohibition. Given that the case documents and medical reports submitted by the plaintiff indicate her female hormone levels are normal and that she is fully female in genetic and phenotypic terms, but only suffers from gender dysphoria without any congenital reasons in her body, her current claim lacks a legal foundation, leading the court to have no choice but to dismiss it (Bahraini Court of Cassation 2023, *Akhbar Al Khaleej* Newspaper 2023).

The direction adopted by the Court of Cassation was previously established in another ruling from the Grand Administrative Court in Bahrain. In that ruling, the court rejected a lawsuit filed by a girl who requested that the Ministry of Health and the Central Informatics Organization affirm the change of her gender from female to male and update her name in the civil status records. She had undergone gender transition surgery in Munich due to her suffering from gender dysphoria, and she provided medical reports to support her case. Although the court was convinced and concluded that the plaintiff indeed suffers from gender dysphoria, it ruled that this grants her the right to treatment but does not permit a gender change. The court argued that this procedure merely seeks to alter the external physical appearance associated with the assigned gender; however, this transformation cannot be genuine because chromosomes dictate gender (XX for females and XY for males), which cannot be changed by the procedure. For these reasons, the Bahraini court ruled to dismiss the case (Bahraini Grand Administrative Court 2017, Tarif 2017).

It is clear that the two previous rulings issued by the Bahraini judiciary distinguish between gender transition due to gender dysphoria, relating to a person's psychological state, and procedures for organic reasons. The Bahraini court viewed gender transition due to gender dysphoria as a shift from a correct state to an incorrect one; thus, it cannot be sanctioned. However, the procedure for organic disorders is seen as a return to the correct state

according to the court; hence, it can approve medical intervention without gender transition. The Bahraini judiciary ruled against gender transition due to gender dysphoria, whether a person approached the court before undergoing the procedure to request prior permission for gender transition or underwent the procedure first and then sought court affirmation for the change of their name and gender in official records. The Bahraini judiciary based its rulings on Islamic Law due to the lack of regulation regarding gender transition since the Bahraini constitution makes Islamic Law a primary source of legislation (The Constitution of the Kingdom of Bahrain 2002), and Islamic Law prohibits gender transition due to gender dysphoria from the court's perspective but allows for gender transition based on organic reasons. The real issue is that this individual lives socially caught between their transitioned gender and the gender assigned at birth, which the law does not otherwise recognize. It is a difficult and devastating situation for the individual (Noralla 2024).

2.6. The Judiciary's Stance in the State of Qatar on Gender Transition.

The Qatari Court of Appeals ruled against a girl's request for gender transition, in which she sought recognition as a male, along with the corresponding changes to her name and civil status in official records. She supported her claim with a medical report from Germany confirming that she suffered from gender dysphoria. A surgical procedure was performed to remove her uterus, ovaries, vagina, and breasts, and male genitalia were constructed for her. However, she will suffer from infertility and will not be able to conceive after becoming a male. The court confirmed, after referring the case to specialized medical experts, that the plaintiff suffers from gender dysphoria and that, in terms of appearance and form, she has become male as a result of the surgery in Germany and the administration of male hormones.

The Court of Appeal in the State of Qatar concluded from the evidence presented that the plaintiff's condition is gender transition due to gender dysphoria. However, it ruled that the Qatari constitution states that Qatar is an Islamic state and that Islamic Law is a primary source of legislation. Therefore, cases should be judged according to Islamic Law in the absence of a legal text to rule on this case. The court added that there is a vast difference between gender transition based on desire or psychological inclination, which has no absolute

necessity, and the procedure that is performed for an organic necessity determined by doctors. Also, gender transition is not permissible according to Islamic Law because it alters God's creation and is considered an impermissible act. Therefore, the Qatari legislator does not permit this procedure, which is based on a psychological or mental inclination to belong to the opposite sex. However, surgical procedures are allowed in cases where there is an organic ambiguity from a sexual perspective, which is considered a condition caused by congenital defects. The Qatari court concluded its ruling by stating that succumbing to personal whims in gender transition is not permissible because Islamic Law rejects this frivolity, which cannot be considered a necessity (Qatari Court of Appeal 2017).

Two conclusions can be drawn from the Qatari court ruling: First, Qatari law lacks a provision regulating the issue of gender transition, whether by prohibition or permission. Therefore, the court deemed that Islamic Law is applicable according to Article 1 of the Qatari Constitution, which made Islamic Law a primary source of legislation because the Qatari Civil Law refers the judge to Islamic Law in the absence of a text (Qatari Constitution 2004). Secondly, the court in Qatar distinguished between gender transition due to gender dysphoria and the procedure done for organic reasons. The former is not permissible in the court's view according to Islamic Law, which prohibits altering God's creation, as it is a psychological state not based on an organic and genetic condition. The latter, however, is permissible because it corrects cases that are sexually ambiguous between male and female from an organic perspective, where a person's condition is mixed between masculinity and femininity. It is clear that the Qatari court based its ruling on what it considers an impregnable fortress, which is Islamic law, and insisted on not recognizing gender transition. Thus, it did not assign any legal effect to it. The plaintiff, who filed the lawsuit, had indeed changed his gender in Germany and only wanted to change his name and civil status in the official records. Therefore, the transgender person remained confused between his actual status, having become a male after the gender transition, and his legal status, which treats him as still a female according to his birth status, along with the resulting life hardships.

2.7. The Judiciary's Stance in the Sultanate of Oman on Gender Transition

The appellate circuit of the Administrative Court

in Muscat ruled against the gender transition from female to male (Administrative Court in Muscat 2018), which was performed outside the Sultanate of Oman, specifically in the Kingdom of Thailand. The individual underwent a gender transition from female to male due to suffering from gender dysphoria. She requested the court to rule in her favor to change her name and details in the civil registry based on her transition to male. The plaintiff presented several medical reports from doctors within the Sultanate of Oman and the Kingdom of Thailand, proving that she had been suffering from gender dysphoria for several years, which compelled her to travel to Thailand for treatment and undergo the gender transition surgery. However, the plaintiff never raised at any stage of the case that she suffered from any organic or hormonal disorder, or that she had any congenital deformity in her reproductive organs that would justify a surgery. Based on the medical reports submitted by the plaintiff, the court found that all the plaintiff's claims and evidence presented before it indicates that she suffers from gender dysphoria. The court concluded that this condition does not permit gender transition surgery, as it is a psychological condition that requires medical follow-up and treatment only. Furthermore, the Office of the Grand Mufti of Oman issued a fatwa on May 6, 2013, prohibiting surgical and hormonal intervention in cases of gender dysphoria, as long as the person possesses all the characteristics of the gender they were born with, meaning they are fully male or female from an anatomical, biological, and genetic perspective. The court stated that the psychological discomfort with one's gender cannot be considered a reason for gender transition surgery, as it is a matter prohibited by religious scholars.

The court concluded, after examining the medical reports submitted to it, that it does not recognize the gender transition that the plaintiff underwent in the Kingdom of Thailand. It added that the court cannot accept the reality that the plaintiff wants to impose after undergoing hormone therapy and then having gender transition surgery abroad, resulting in her body appearing male only superficially and not genuinely. The court firmly established that, based on her medical reports, the plaintiff possessed all the physical and functional characteristics of a female before the surgical intervention and did not suffer from any deformity in her sexual organs or hormonal imbalance. She only suffered from a psychological condition known as gender dysphoria, which made her uncomfortable with her gender and desire to

change it. Based on the above, the Administrative Court of Appeal in Muscat ruled to reject the judgment on gender transition and not to allow the plaintiff to change her data in the official records; because what she did is contrary to Islamic Law, which must be applied in the absence of a legal text, and what the plaintiff did contradicts the Islamic Law ruling represented in the fatwa of the General Assistant Mufti of the Sultanate of Oman, who ruled against changing gender.

It is evident from the analysis of the Administrative Court's ruling in the Sultanate of Oman that it was issued without legislative provisions, as there is no legal text for the court to apply, given that gender transition is one of the issues that the law in the Sultanate of Oman has remained silent on. Therefore, the court decided to base its ruling on Islamic Law by consulting the Fatwa Office in the Sultanate of Oman, which explicitly ruled against gender transition due to gender dysphoria. The court determined that its ruling aligns with Article 2 of the Constitution of the Sultanate of Oman, which establishes Islamic Law as the basis of legislation (Omani Constitution 2021). According to Article 1 of the Civil Transactions Law, which states that Islamic Law is applicable in the absence of any text (Omani Civil Transactions Law 2013), we can conclude the following from this ruling: the court clearly distinguished between gender transition due to gender dysphoria and congenital deformities of the genital organs or hormonal imbalances; the former is prohibited from undergoing any surgical intervention, while the latter is permissible. It is also noted that the court, as it expressed, refused to acknowledge the *de facto* situation of the transgender individual because she had already changed her gender outside the Sultanate of Oman and then returned to the country asking the court to recognize what she had done in changing her gender and the consequent effects of changing her name and civil status. However, the court rejected all of this and ruled against recognizing the gender transition that the plaintiff had undertaken. The result is that this transgender woman has become a pitiable case; she has transitioned to male in reality after the surgery, but in the eyes of the law, based on the court's ruling, she is a female according to her gender at birth, with all the negative consequences this entails for her daily, professional, and family life, as well as society's general perception.

2.8. *The Judiciary's Stance in the United Arab*

Emirates (UAE) on Gender Transition.

The Federal Supreme Court in Abu Dhabi has been presented with a gender change lawsuit for three girls who are requesting to change their names to male names instead of their female names. This comes after they traveled together and changed their gender to male in a European country they specifically visited for this purpose. The three plaintiffs submitted a medical report to the court proving that they suffer from gender dysphoria and that they have endured this condition for several years. After the gender transition surgery, they became male and no longer belonged to the female gender they were part of before the surgery, except for the name recorded in the official records. Their lawyer requested that they be referred to a medical committee for the necessary medical examination to confirm their gender change and that they suffer from gender dysphoria. The Supreme Court of the United Arab Emirates rejected the legal recognition of their gender transition and maintained the official records acknowledging their original gender before the change, which is female. The court also refused to change their details in the civil status records. The Supreme Court upheld the direction ruled by the Court of Appeals, which had also rejected the three plaintiffs' requests for recognition of their gender transition and the consequent change of their names in the official records (Emirati Federal Supreme Court 2018, Bayoumi 2019).

It is noted that the Supreme Court in the United Arab Emirates followed the path of other Gulf Arab countries by refusing to recognize the gender transition surgery that the three girls underwent outside the UAE, due to their suffering from gender dysphoria. The court based its ruling on the fact that UAE law does not contain any provisions regarding this issue in terms of prohibition or allowance; therefore, the court decided to apply Islamic Law under the UAE Constitution, which makes Islamic Law the basis of legislation (The Constitution of the United Arab Emirates 1971). It is also noted that the UAE Supreme Court did not take into account the reality in which the three girls have transitioned to males, resulting in a stark contradiction between their legal status and their actual situation. Legally, they are considered female, but in reality, they have transitioned and belong to the male gender, leading to daily suffering in work and society.

3. CONCLUSION

After studying and analyzing the judiciary's

stance in the GCC countries on issues of gender transition and gender dysphoria, it is clear that the courts in the Gulf Arab states have adopted a stringent stance on gender change. Most courts have ruled against gender transition, whether it was performed outside the country and the individual returned seeking to have their new status recorded in the official registers, or whether the person with gender dysphoria approached the courts before undergoing the procedure seeking permission to proceed; in both scenarios, the courts refuse to acknowledge gender transition. More troublingly, the courts have not recognized any legal effects resulting from gender transition and therefore do not permit changes to a person's information in official records. This rigid stance taken by the courts in the Gulf Arab states has led to transgender individuals living in deplorable conditions; they confront a perplexing contradiction between their actual gender, to which they have genuinely transitioned, which is neither acknowledged by the law nor by the state's official records, and their previous gender before the transition, which the law clings to even though the individual has moved beyond it and no longer identifies with it. This results in numerous challenges and issues for transgender individuals in their daily lives, not to mention the risk of arrest by law enforcement if they are found dressed as a gender that does not match their legally registered gender.

The strict stance of the courts in the Gulf Arab countries arises from the legislative vacuum created by the absence of laws regulating gender transition. They were compelled to address this gap through judicial reasoning, which they believed should align with the principles of Islamic Law. This is due to a provision in the constitutions of these countries that

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designates Islamic Law as a primary source of legislation. Islamic Law appears to have various interpretations among scholars; some permit gender transition due to gender dysphoria, while others prohibit it because they do not recognize this condition as a valid reason. However, the case known to Islamic Law scholars since ancient times involves treating individuals whose gender is organically ambiguous between male and female. Consequently, Gulf courts distinguished between the treatment of organic gender, which they allowed without hesitation, and the matter of gender transition due to gender dysphoria, against which they maintained a firm stance despite the serious consequences that ensued. This led to a stark difference between the legal status of transgender individuals and their actual status.

The final word in this research is directed to: First, the legislators in the Gulf Arab countries, urging them to promptly issue legislation regulating gender transition without delay. The Gulf Arab countries should not leave this serious issue without a binding legal framework for the courts, ensuring that the resolution of this important matter is not left to the discretion of the courts, which may err or differ from time to time; the rulings of the courts can conflict from one court to another within the country. The decisive word on the matter of gender transition should come from specialized doctors with expertise in this field. The second important word is directed to civil society in the Gulf Arab countries, emphasizing the importance of supporting individuals who have undergone gender transition, working to integrate them into society, alleviate their sense of social isolation, and provide them with safety from legal pursuit.

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