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# *Legal Framework and the Construction Logic of Contemporary Youth's Awareness of Sexual Minority Rights*

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***Abstract.*** This paper examines how legal frameworks shape contemporary youth awareness of sexual minority rights. It argues that law not only allocates formal rights but also expresses social values, constructs identity boundaries, and influences the ways young people understand equality, dignity, privacy, and anti-discrimination. The study first explains the expressive function of law and the interaction between top-down institutional support and bottom-up rights claims. It then analyzes three symbolic forms within the legal framework: explicit empowerment, legal silence, and implicit negation. The paper further explores how digital communities, legal education, judicial practice, and comparative regional experience affect the development of youth rights consciousness. The analysis shows that existing Chinese law already provides some indirect protection through constitutional equality, personality rights, privacy, personal information protection, and labor principles. However, legal gaps in family relations, gender identity recognition, and explicit anti-discrimination rules still limit stable rights awareness. The paper concludes that coordinated reform in legislation, education, judicial interpretation, and social guidance is necessary to transform abstract equality into practical protection for sexual minorities.

***Keywords:*** sexual minority rights, legal consciousness, contemporary youth, legal framework, social cognition

## 1. Introduction

With the advancement of social diversification, the protection of sexual minority rights has gradually become an important issue in the construction of the rule of law and in the progress of social civilization. As the new carriers of social ideas, today's young people are both embodying the practicality of the legal system and building an all-encompassing future society.Sexual minorities are groups of people whose sexual orientation, gender identity or sexual behaviour is different from what most people in a particular society are used to. Generally speaking, "the group" refers to lesbians, gay men, bisexual people, transgender people and other people with diverse sexual orientation and gender identity or sex [1].

Article 33 of the Constitution of the People's Republic of China provides that all citizens are equal in the eyes of the law. This constitutional rule offers the strongest level of normatively support for guaranteeing the equal protection of the legitimate rights and interests of sexual minorities [2].

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Young people in the digital age are exposed to a wide variety of information and have paid more attention to claims of dignity, privacy, identity and equal treatment. The development of right awareness is still restricted by legal norms, social values and attitudes, educational guidance, the provision of remedies, etc. As a result, young people today have varying degrees of awareness of the rights of sexual minorities and are uncertain about how these rights can be protected.

How the legal system affects young people's awareness of sexual minorities' rights today. Analyze the theoretical mechanisms of law, symbolic meanings in the legal system, changes in the awareness of youth rights, and institutional coordination for the protection of rights and guidance of society. Based on the above analysis, some measures will be taken to improve the legal protection of sexual minorities and promote better-informed awareness among young people.

## 2. Theoretical mechanisms: law's mirroring and reshaping of consciousness

### 2.1. Expressive function of law

Law defines the boundaries of social identity, clarifies the scope of rights, and provides a basis for different groups to exercise those rights. This function plays an important role in the construction of youth awareness of sexual minority rights.

The expressive function of law means that law does not only regulate behavior through coercion. It also conveys value judgments, social attitudes, and public meanings. Sunstein argues that legal expression can influence social norms by declaring what a political community regards as acceptable, equal, or improper [3].

The expressive function of law can be divided into two forms. The first is norm-oriented expression, through which law reshapes social norms and indirectly influences individual behavior and belief. The second is value-declarative expression, through which law announces a value position but may become formalistic when detached from actual social effects. Legal expression therefore needs to be connected with positive social consequences and must not infringe fundamental rights.

Goodman's study of South African sodomy laws further demonstrates that even rarely enforced laws can shape identity, create social surveillance, and generate stigma. A law that officially defines homosexuality as unlawful or inferior may continue to influence social meaning even when direct punishment is uncommon [4].

For this reason, when law protects personal dignity, privacy, personal information, employment equality, and other interests, it indirectly recognizes the legitimacy of sexual minority identity. Conversely, when law remains silent or negative, it may reinforce uncertainty and social marginalization.

### 2.2. Two-way construction path of legal consciousness

The construction of contemporary youth awareness of sexual minority rights is not the result of a single force. It is a process of interaction between top-down institutional supply and bottom-up rights claims. This interaction runs through legal practice, online discussion, education, and the development of social cognition.

Top-down institutional support supplies the foundation for rights awareness. Through legislation and judicial practice, the state can integrate equality and inclusion into legal provisions and public norms. Articles 33 and 38 of the Constitution establish equality before the law and protection of personal dignity [2].

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The Civil Code further protects personality rights, privacy, reputation, and personal dignity. These rules can provide indirect support for the protection of sexual orientation and gender identity when such matters are related to dignity, privacy, and personal information [5].

The Personal Information Protection Law defines sensitive personal information and establishes stricter requirements for its processing. Although sexual orientation and gender identity are not always expressly listed, they may involve sensitive privacy interests and should be handled with stronger confidentiality safeguards [6].

The Labor Law also contains principles of equal employment and anti-discrimination. Even though sexual orientation and gender identity are not expressly stated as protected grounds, the general structure of equal employment can still provide a normative basis for challenging discriminatory practices in the workplace [7].

Bottom-up rights advocacy refers to the active expression of demands by young sexual minorities and their supporters. Through online discussion, public interest advocacy, rights education, and litigation, young people transform personal experiences into social claims and thereby promote the further development of legal consciousness.

For example, debates concerning gender-friendly restrooms, textbook descriptions of homosexuality, and employment discrimination related to gender expression show how youth rights awareness can develop through the interaction between legal norms and social practice. These disputes also reveal that legal consciousness grows not only from statutes but also from the everyday interpretation of equality and dignity.

### 2.3. Sociological connections

Sociological theory helps explain why legal protection matters to the formation of rights awareness. In traditional social thinking, heterosexuality has often been treated as the default norm, and sexual minorities have faced moral stigma, medicalization, and social exclusion. Legal reform can gradually weaken such stigma by changing the public meaning attached to identity.

Minority stress theory shows that stigma, prejudice, concealment, and expectations of rejection may create serious mental health pressure for sexual minorities [8]. In this sense, legal silence or ambiguous protection does not merely leave a technical gap. It may also deepen social insecurity and psychological pressure.

Intersectionality theory further shows that identity vulnerability is often multi-layered. Sexual minority youth may simultaneously experience pressure related to gender, class, region, family background, or educational environment [9]. A legal framework that recognizes only formal equality may fail to capture these overlapping forms of disadvantage.

Research on legal consciousness also emphasizes that people understand law through daily experience, stories, institutional encounters, and social interaction [10]. Merry's work similarly shows that legal consciousness develops through ordinary people's concrete attempts to seek justice or respond to unfair treatment [11]. Therefore, youth awareness of sexual minority rights is produced through both legal texts and lived social practice.

## 3. Decoding symbols in the legal framework: affirmation, silence, and negation

### 3.1. Explicit empowerment symbols

Explicit empowerment symbols in the legal framework are mainly reflected in provisions related to personality rights, privacy, personal information, labor equality, and anti-discrimination. These

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provisions do not always name sexual minorities directly, but they create important legal space for rights claims.

The Civil Code and the Personal Information Protection Law distinguish private information from sensitive personal information. Sexual orientation and gender identity may fall within overlapping areas of privacy and sensitive personal information. This allows rights holders to claim protection when disclosure, harassment, or discriminatory use of information causes harm.

Articles concerning personal dignity, reputation rights, privacy, and personal information can also limit insults, forced disclosure, and discriminatory treatment. For young sexual minorities, such provisions provide a legal language through which identity-related harm can be translated into claims about dignity, reputation, privacy, and personality interests.

The labor law framework provides a further empowerment symbol. Although explicit sexual orientation and gender identity-based protection remains insufficient, equal employment principles still remind employers that workplace decisions should not be based on irrelevant identity characteristics. This symbol offers the hope that employment will be based on ability and free from stigma for young people [6].

### 3.2. Consequences of legal non-compliance

Legal absence refers to the lack of specific rules for dealing with certain problems. Currently, there are no legal provisions in China protecting the rights of gay and lesbian couples to live together, build families and have their same-sex relationships recognised.

The absence of explicit provisions does not indicate that there are no rights. Therefore, the legal vacuum may promote a sense of rights among young people by having them refer to the existing principles of equality, dignity, privacy and personality protection. At this time, a sense of rights will be fostered by expressing the people's demands for change.

An employment dispute of a transgender worker shows this logic. The case shows that gender expression and gender identity can be considered under personality rights and anti-discrimination reasoning in the absence of a specific law [7].

### 3.3. Cognitive threshold of rules

Law consists not only of statutory provisions but also of legal principles and public policy values. Public order and good morals are socially recognized standards that may influence the legality of conduct when written rules are incomplete. For sexual minority rights, the interpretation of these principles is especially important.

In the construction of sexual minority rights awareness, contemporary youth increasingly interpret public order and good morals through modern values of dignity, equality, and inclusion. This interpretation differs from older views that treated non-heteronormative identities as improper or morally inferior.

With the development of social understanding, public order and good morals can be read as requiring respect for personal dignity, equality for all, and the absence of discrimination based on gender identity or sexual orientation. Under this interpretation, sexual minority identity is not a violation of social morality. Instead, discriminatory exclusion is the conduct most inconsistent with modern legal values [8].

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## 4. Evolution of youth rights awareness

### 4.1. Superposition of consciousness in digital space

In contemporary society, cyberspace has become a crucial field in which young people communicate, form identity, and express legal claims. The digital environment accelerates the circulation of legal information and makes sexual minority issues more visible.

The platform has set up its own regulations for content and behaviour in the community, and reports of abuse can also be made. The above rules regulate self-representation and collective action within a virtual space. As a result, a digital form of legal consciousness has appeared, and young people have learned to connect their own lives with legal rules and public interests.

The Internet has provided information on privacy, discrimination and mental health for young sexual minorities, as well as legal support. Thus, the person will be less isolated and more engaged. At the same time, the online environment also has some problems, such as cyberbullying, forced outings, inconsistent platform rules and a lack of enforcement of online community norms.

Therefore, the functions of digital space are both empowering and risky. The effect of this on the public's awareness of rights and freedom is likely to be inconsistent given the existing legal and platform regulation [9].

## 5. Institutional coordination: a positive feedback loop between legal environment and social cognition

### 5.1. Dynamic shift of cognitive thresholds

The improvement of the legal system can continuously promote social inclusiveness and broaden the cognitive boundaries of young people concerning sexual minority rights. At the beginning, young people may only know that sexual minorities should be safe and free from abuse. With the progress of legal education and society's discussion, the concept of privacy may also expand to include employment equity, family relations, recognition of gender identity, and access to public services.

This process is therefore self-reinforcing. Legal recognition promotes the public's understanding, and enhanced understanding by the public supports more legal reforms. When the law establishes a general rule, youth will know their rights as sexual minorities are no longer exceptional. Therefore, it is hoped that social isolation will be alleviated.

### 5.2. Linkage between education and the judiciary

Legal education serves to transmit the legal rules in a general sense. Promote the understanding of constitutional equality, personality rights, privacy protection, labour equality, and anti-discrimination in a more legalistic way for young people by introducing the issue of sexual minority rights.

Judicial Practice can support the teaching and research. When courts recognize harm to dignity, privacy, reputation, gender expression or discrimination, their judicial reasons also serve to inform and enlighten people. Rights are not abstract slogans for the young people; they are specific demands that can be judged by law.

Universities and public legal education programs can include relevant statutes, cases and rights protection procedures in their lectures, campus outreach and student services. Thus, the legal provisions will be more accessible to young people and less remote from their lives.

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### 5.3. Cross-regional perspective as inspiration

The Scope of legal protection for sexual minorities varies from country to country and area to area. Comparison observations can offer references for reform, but they must be modified according to the local legal culture and social conditions; they should not be directly replicated.

In recent years, at home and abroad, people have gradually talked about equality and dignity; they have discussed problems such as privacy, the family, free speech, and fear of discrimination. The Yogyakarta Principles have provided a reference for applying international human rights standards to issues concerning sexual orientation and gender identity [12].

Where the legal protection for sexual minorities is stronger, it may be possible to cultivate a sense of youth rights among them, thereby establishing a more stable base for civil society. On the other hand, where the law is ambiguous, young people may have to turn to online communities and informal support networks more frequently. Gradually strengthen the protection system in China in line with its institutional conditions to improve the equality, dignity and privacy protection of the elderly.

## 6. Conclusion

This paper has examined the construction logic between the legal framework and contemporary youth awareness of sexual minority rights. The analysis shows that legal frameworks influence youth cognition not only by providing enforceable rights but also by expressing social values, shaping identity boundaries, and guiding public understanding.

The construction of youth awareness of sexual minority rights is inseparable from the development of legal norms and the progress of social cognition. China already provides some indirect protection through constitutional equality, personality rights, privacy rules, personal information protection, and labor equality. However, important gaps remain in explicit anti-discrimination protection, gender identity recognition, family relations, and systematic rights education.

Future reform should strengthen the connection between legal protection, legal education, judicial practice, and social guidance. Clearer legal rules can provide stable expectations, while education and judicial reasoning can transform those expectations into practical awareness. In this way, the protection of sexual minority rights can move from symbolic recognition toward more substantive and enforceable equality.

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