

Қазақстан Республикасы Тәуелсіздігінің 30 жылдығына арналған «Сейфуллин оқулары – 17: «Қазіргі аграрлық ғылым: цифрлық трансформация» атты халықаралық ғылыми – тәжірибелік конференцияға материалдар = Материалы международной научно – теоретической конференции «Сейфуллинские чтения – 17: «Современная аграрная наука: цифровая трансформация», посвященной 30 – летию Независимости Республики Казахстан.- 2021.- Т.2, Ч.2 - С. 14-16

THE DISTORTION OF KAZAKH TRADITION IN MODERN KAZAKHSTAN

*Koshmagambet Alma, a first- year student
S. Seifullin Kazakh Agro Technical University, Nur-Sultan*

Tradition is an ancient custom and norm that has been passed down from generation to generation. In Latin *trāditiō*, this word means to pass on or give away. Tradition is passed on from generation to generation and is one of the regulators of social relations.[1]

For Kazakhs, traditions are something very precious. Since Kazakhstan was under the power of the USSR in the 20th century. We did not have the right to observe the traditions openly. The older generation has been inculcating a love for customs in children since childhood. Starting with *kyrkynan shygaru*, *sundet toi*, *tilashar*, and ending with *betashar* and *synsu*. As time goes by, all traditions take on a new form. This is because we are not standing still and evolving. Usually, they become more simple and civilized. But unfortunately, not all of them become positive. There are some that have been deliberately distorted and misunderstood by the public. The tradition of *alyp kashu* (bride kidnapping) is an example of this.[1]

Alyp kashu is an ancient Kazakh tradition, which is translated as bride kidnapping. Bride kidnapping, or marriage by abduction, is a practice of bride kidnapping and forced marriage common in the Caucasus, Kyrgyzstan, Kazakhstan, Ethiopia, and other countries where similar customs persist. Today, it is considered a crime rather than a legitimate form of marriage in most countries of the world.[2]

The advantage of bride kidnapping for the groom is that he does not have to pay the bride's parents a bride price. Usually, the groom and his friends, or the groom's friends without him, kidnap the bride and bring her to the groom's house. There the groom's relatives try to calm the abducted girl down and persuade her to marry her abductor.[2]

However, sometimes the bride kidnapping is consensual as a rite to circumvent some other traditional prohibitions. For example, if the younger sister cannot marry before the older one according to the tradition, the parents cannot give their blessing for the marriage, and so the younger sister is "kidnapped". After some time the young couple come to the bride's father to ask forgiveness, but he "curses" and "casts them out", but with the birth of the firstborn, he "forgives" them. [2]

The ancient custom of bride abduction for marriage dates back to the establishment of patriarchy. Bride kidnapping was very rare in Central Asia and

Kazakhstan. Usually, it happened when parents did not consent to the marriage or when they delayed too long in arranging the wedding. The predominant form of marriage among the Kazakhs was marriage with matchmaking (kudalyk) and subsequent "bride price" for a bride price. In the Kazakh customary law, there were several types of bride abduction with different attitudes towards them. If a bridegroom kidnapped a bride who had already been betrothed (a boy and a girl agreed to "kidnap" her in advance). The kidnapping of a bridegroom who was not her husband's wife was a felony.[3]

Later on, we can observe it in the poem Yenlik-Kebek. Where the lovers ran away together.[3]

Women's rights organizations estimate that up to 5,000 bride abductions take place in Kazakhstan each year. There are no official statistics accounting for such cases. There are no plans to include a special article for bride abductors in the Criminal Code in order to eradicate this custom, for this is possible under existing legislation, which provides for punishment for kidnapping. But that is only if the abducted girl is willing to go to law enforcement agencies, as many are resigned to such a fate. This is aided by the fact that some parents do not want to take back their abducted daughters.[3]

The kidnapping usually involves the unsuspecting "bride's" friends and acquaintances taking her to a deserted place, and then the "groom" forcibly seats her in a car and takes her to his home. Upon arrival, the "bride" is given a headscarf, a table is laid out, young women praise the groom and his aunts and grandmothers try to persuade the girl to agree to the marriage. To keep the 'bride' in the house, the groom's grandmother may even lie down at the threshold, as the Kazakhs consider it a sin to step over a person, especially such an elderly one. The abducted girl will have to possess great courage to withstand all that and not agree to such a fate.[4]

Besides 'real' abduction without the consent of the girl and her parents, 'imitation' abduction of a bride by mutual consent is widespread in modern Kazakhstan when the financial status of the groom does not allow a full wedding to take place. After such 'kidnapping' of the bride, celebrations take place only at the home of the groom's parents, which tends to reduce the cost of cumbersome wedding ceremonies.[4]

Any violent act entails psychological trauma. Forced abduction is no exception. It takes months or even years for a girl to rehabilitate. After that, the person develops a sense of insecurity and constant anxiety. Often they need a course of rehabilitation from a specialist. [4]

The Criminal Code of the Republic of Kazakhstan (Article 125) stipulates a penalty for the kidnapping of 4 to 7 years' imprisonment. If the kidnapping was committed by a group of persons by prior conspiracy; repeatedly; with the use of violence dangerous to life or health; with the use of weapons or objects used as weapons; against a person known to be a minor; against a woman known to be pregnant; against two or more persons; for personal gain, the penalty is 7 to 12 years imprisonment with or without confiscation of property. If the crime was committed by a criminal group, or was committed with the intent to exploit the

stolen property, or caused the victim's death by negligence or other grave consequences, it is punishable by 10 to 15 years imprisonment with or without confiscation of property. Those who have voluntarily released a kidnapped person shall be exempted from criminal liability if their actions do not constitute another crime. [5]

Personally, I do not agree with the current custom of alyp kashu. It does not correspond to the standards of the civilized world in which we live. Unfortunately, there are still people among us who think that they can do anything and even more. Among my friends, there is such an unpleasant situation. I was a witness to a not very pleasant story. In addition, I do not bring up this topic in vain, because I really want to give the world the right message, but I want people to have a correct interpretation of this tradition. You have to know the history and laws of your country to be safe.

References:

1. A. Ausekova, Alyp Kashu: Tribute to tradition or a relic of the past. New times -03 February 2020
2. Muminov, A. Bride stealing is part of real Kazakhstan - experts // Kursiv. - 12 June 2015. Archived 21 June 2018
3. Junusbaev, M. J. The way of life of a family in Kazakhstan. - Chimkent Pedagogical Institute, 1991.
4. Dzhelbuddin, E. T. Customs and traditions. - Mass-Media, 2001
5. Criminal Code of the Republic of Kazakhstan, 03 June 2014

Supervisor Baigoshkarova M.I.