

Local Customs and Law: Conflicts Between Legislation and Traditional Practices

Turdiyev Abdulfayz Sherali o'g'li

*Qarshi International University, Faculty of Social and Humanitarian Sciences
3rd-year student of the program "National ideology, fundamentals of spirituality, and law"
Abdulfayz2022@gmail.com*

Abstract: This article analyzes the contradictions between local customs and current legislation in Uzbekistan. Traditional social practices - in particular, on issues such as the age of marriage, dowry, marriage between relatives, inheritance distribution, and the role of women in society - sometimes create situations that contradict formal legal norms. Therefore, there is a need to raise legal awareness and culture in society, and to harmonize traditional values with legal reforms. The article puts forward an analytical approach to the social roots of these conflicts, their legal consequences, and possible solutions.

Keywords: customs, legal system, traditional practice, family law, inheritance issues, women's rights, legal awareness, mentality and legislation, social values.

Especially the lowering of the marriage age deprives women of physical and economic independence, which restricts their rights and prevents them from developing into confident, successful individuals. Other social consequences of the conflict between local customs and modern legislation include:

1. Limitation of women and children's rights. Based on traditional values, cases of domestic violence or the concealment of violence against children may be viewed as an "internal family matter." This, in turn, leaves women and children socially and legally unprotected.
2. Diminishing the role of parents and the state. Sometimes, parents continue to raise their children based on traditional beliefs, which conflicts with the legal and educational policies set by the state. Although the Constitution of Uzbekistan guarantees the right to education, in some areas, girls may be deprived of the opportunity to receive an education.
3. Social inequality. Local customs often serve to maintain social inequality in society. Women's and children's rights are considered inferior to those of men, which violates legal equality.

Solutions:

1. Improving legislation: Uzbekistan's modern legal system should be aligned with the world's most advanced laws. Specifically, updating and strengthening laws regarding marriage age and women's rights is necessary.
2. Social awareness: It is essential to increase social awareness while respecting traditional values and promoting gender equality and human rights principles in society. Legal education and updating values within society play an important role in this.

3. Public legal monitoring: a system for independent legal monitoring should be created to track, analyze, and propose solutions to conflicts between legislation and customs. This system would enable quick discussion and resolution of social issues.

Conflict between religious freedom and dress code in schools: In Uzbekistan's social and political system, there is a conflict between religious freedom and dress code rules in education. Although wearing a hijab is not mandatory, it is prohibited in some schools, particularly for teachers and students. This impacts Muslim girls' religious beliefs and freedom to choose their clothing. In situations where conflicts arise between religious values and legal norms, some parents and students advocate for the right to wear a hijab in schools. According to the Constitution of Uzbekistan, every individual has the right to religious freedom, but the dress code in schools sometimes obstructs this right. There are strict dress code rules in Uzbekistan's educational system, which may not align with religious beliefs. In schools where wearing a hijab is banned, students and parents often fight for their religious freedom and cultural values. However, this situation can lead to social difficulties and unrest as it creates a conflict between unchanged traditional values and modern laws. Conflict between religious freedom and educational rules:

1. Religious freedom: according to Uzbekistan's Constitution, the religious freedom of every individual is guaranteed, meaning every citizen has the right to practice their religious beliefs. However, banning the hijab in some schools can be seen as a violation of this right.

2. School dress code: Uzbekistan's education system has clear rules about school uniforms. These rules aim to maintain unity and order in the educational process but sometimes conflict with religious beliefs. The need to adhere to these dress codes creates obstacles for individuals wishing to practice their religious beliefs.

3. Social impact: Some people are demanding permission to wear the hijab in schools, advocating for the respect of their religious values. Others stress the importance of maintaining a neutral and secular environment in educational settings, particularly for young children and students.

Solutions:

1. Revising dress code rules: When determining dress codes in schools, religious freedom must be taken into account. While dress codes should remain firm, they should not hinder religious beliefs. Normative documents could be developed to allow wearing the hijab in schools while respecting religious beliefs.

2. Ensuring unity in education while maintaining religious freedom: It is important to respect religious beliefs while ensuring unity and order in the educational system. To achieve this, specific guidelines and recommendations regarding the wearing of religious symbols should be developed in the education system.

3. Promoting culture and freedom in education: It is crucial to promote respect for religious and cultural values in schools, as well as recognizing the rights of all individuals in society. This will help ensure mutual respect, freedom, and peace in the educational process and society.

4. Establishing dialogue and discussion: To resolve the conflicts between the education system and respect for religious freedom, effective communication and consultations between parents, teachers, religious organizations, and government bodies are necessary. This can help eliminate social conflicts and find fair solutions.

Family Violence: The conflict between traditional values and modern legislation family violence is a widespread and serious issue in Uzbekistan. Traditional values sometimes lead to the concealment of domestic violence or viewing it as a "family matter." Although there are strict laws against family violence in Uzbekistan's legal system, local customs and culture may encourage hiding violence, avoiding it, or viewing opposition to it as socially "incorrect." This situation makes it difficult for victims of domestic violence, especially women and children, to

protect their rights. At times, traditional values downplay the seriousness of domestic violence, regarding it merely as a "family issue." Additionally, in some families, when women face violence, it may be kept secret or be accompanied by social stigma. This situation reduces the state's ability and opportunities to protect women's rights.

Consequences:

1. Traditional values obstructing the fight against violence: In some regions, traditional values support protecting family violence or consider opposing it socially "inappropriate." Exposing domestic violence usually leads to negative views, complicating the protection of victims' rights.
2. Economic and social vulnerability of women: Women who suffer violence are often economically and socially vulnerable. They face difficulties in defending their rights because in many societies, women's passive role in the family and the belief that "family conflicts" should remain private are seen as "wrong" to expose.
3. Challenges in ensuring legal compliance: While Uzbekistan's legislation includes strict measures against family violence, in some regions, laws against family violence are either not implemented or insufficiently enforced. Traditional values continue to influence social groups, obstructing effective measures to prevent violence.

Solutions:

1. Social awareness and education: It is essential to strengthen social awareness to change the social image of family violence and highlight its seriousness. In this regard, joint campaigns between public organizations and the state should be organized to raise awareness against family violence.
2. Strengthening legislation: Legal penalties for family violence should be strengthened, and their effective implementation is necessary. Strict enforcement of laws against perpetrators is vital to ensuring the protection of victims' rights.
3. Creating a support system: Protection networks and assistance centers should be established for victims of violence, including providing psychological, legal, and social support, especially for women facing domestic violence.

Equality in marriage: the conflict between local customs and modern law. The issue of equality in marriage remains a significant concern in Uzbekistan. Local customs often support male dominance in marriage and result in the deprivation of women's rights. Based on traditional values, in many families, women are placed in a subordinate economic and social position compared to men. This situation limits women's rights in marriage and reduces their opportunities for education, professional development, and participation in social life. According to modern legal systems, especially Uzbekistan's Constitution and other laws, men and women should have equal rights in marriage. However, traditional values and some societal views hinder the practical implementation of these laws. Denying women equality in marriage harms gender equality in society and prevents women from fully realizing their rights.

Consequences:

1. Limitation of women's rights: Traditional values often economically and socially weaken women. In marriage, men are considered to have the right to dominate, obstructing the full realization of women's rights.
2. Social and economic inequality: The inequality between men and women in marriage leads to broader social inequality. Depriving women of their rights reduces their ability to engage in independent economic activities, positioning them lower in society.
3. Property and inheritance rights: Based on traditional values, in some families, women receive a lower share of inheritance compared to male children. This situation obstructs women's economic independence.

Solutions:

1. Strengthening equality: Legal practices should be strengthened to ensure equality between men and women in marriage. The rights and obligations of both parties should be clearly defined, ensuring practical equality in marriage.
2. Gender equality education: To improve gender equality in Uzbek society, it is crucial to promote equality and legal awareness in the educational system. This will help women better understand their rights and help prevent social crises.
3. Reviewing property and inheritance laws: Laws governing property and inheritance distribution should be improved to ensure equal rights for women and ensure the necessary changes to guarantee them.

Marriage age: the conflict between traditional values and modern legal approaches. The issue of marriage age is an important matter in Uzbekistan's social and legal system. While Uzbekistan's Constitution guarantees the rights and freedoms of individuals, the establishment of the marriage age and traditional views sometimes leads to serious conflicts. In Uzbekistan, the legal marriage age is set at 18, but traditional values and family norms sometimes contradict this legal requirement. In some traditional societies, young girls are allowed to marry starting from the age of 15 or 16, which negatively impacts their ability to pursue education, personal development, and independent life. Early marriage limits the health, educational opportunities, and economic independence of young girls. While modern legislation in Uzbekistan aims to protect the rights of young people regarding the marriage age, traditional customs and social challenges often create obstacles to these laws. Furthermore, issues like family violence, early marriage, and social inequality are interconnected, increasing the necessity to change the legal marriage age.

Early marriage and women's rights in Uzbekistan

1. Early marriage and women's Rights: in many rural areas of Uzbekistan, traditional values lead to the practice of marrying off girls aged 15-16. These early marriages significantly limit girls' opportunities for education, professional development, and the full realization of their rights. The pressure to marry at such a young age prevents girls from achieving independence, pursuing careers, and fully engaging in their community.
2. Health and development concerns: early marriages have a negative impact on the health of women and girls. Marrying young girls exposes them to physical and mental health risks because their bodies are not fully developed and they are not prepared for pregnancy and childbirth. This can lead to serious complications, including maternal and infant health risks, as well as psychological trauma.
3. Social and economic vulnerability: early marriages place women in a socially and economically vulnerable position. Because they are often unable to become financially independent, their social status remains low. They have limited opportunities to defend their rights due to the lack of strong social protection systems for young people. This economic and social dependence on their husbands increases their vulnerability to exploitation and abuse.

Proposed Solutions:

1. Raising the legal age of marriage: Uzbekistan's legal system should consider raising the minimum marriage age. This is particularly important for allowing women the opportunity to complete their education and improve their prospects. The legal marriage age should not be lower than 18 to ensure that women can fully develop before entering marriage.
2. Strengthening education and awareness: It is essential to introduce special courses and training programs in the education system that focus on young people's rights, family and social issues, especially the topic of early marriage. This would help raise awareness about the social, health, and psychological consequences of early marriage and the importance of preparing for marriage responsibly.

3. Modernizing local customs: there needs to be a harmonization of traditional values with modern social and legal systems. Local social organizations and religious leaders must promote concepts of marriage based on freedom and equality, ensuring that local customs align with modern values. Promoting gender equality and women's rights within these traditional frameworks will help reduce the conflict between customary practices and legal requirements.

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