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**KHAN KASSYM AND HIS SET OF LAWS,  
CUSTOMS AND TRADITIONS CALLED THE  
«BRIGHT WAY OF KASSYM KHAN»**

In this article, the author pays special attention to the code of laws of the Kazakh people, Khasim Kasym called «The bright path of Kasym Khan», based on ancient rules, customs and traditions. The content of laws is analyzed from the point of view of law and other related areas of the humanities. The author also draws attention to the relevance of this topic in modern times. Therefore, the article presents parallels with the realities of the present. At the end of the article, the author refers to the role of Kasim Khan in the history of the statehood of the Kazakh people and the significance of its set of laws in the history of the formation of the laws of the Kazakh steppe.

**Key words:** East Turkistan, White Horde, Maverennakhr, Desht-i Kipchak, genus, tribe, commander.

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**Қасым Хан және оның «Қасым Ханның қасқа жолы» атты  
заңдар жинағы**

Бұл мақалада автор қазақ халқының заңдарының кодексiне ерекше назар аударып, ежелгi ережелерге, әдет-ғұрыптар мен салт-дәстүрлерге негiзделген Қасым ханның жарқын жолын атады. Заңдардың мазмұны заң және гуманитарлық ғылымдардың басқа да салаларының тұрғысынан талданады. Сондай-ақ, автор осы тақырыптың өзектiлiгiне назар аударады. Сондықтан, мақалада қазiргi заманның шындықтарымен салыстырылады. Мақала соңында автор қазақ халқының мемлекеттiлiгiнiң тарихындағы Қасым ханның рөлiн және қазақ даласының заңдарын қалыптастыру тарихындағы оның заңдарының маңыздылығын айтады.

**Түйiн сөздер:** Шығыс Түркістан, Ақ Орда, Мавереннахр, Дештi-Қыпшақ, ру, тайпа, қолбасшы.

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**Хан Касым и его свод законов,  
обычаев и традиций «Светлый путь Касым Хана»**

В данной статье автор уделяет особое внимание своду законов хана казахского народа Касыма под названием «Светлый путь Касым хана», основанному на древних правилах, обычаях и традициях. Содержание законов проанализировано с точки зрения юриспруденции и других смежных областей гуманитарной науки. Также автор статьи обращает внимание на актуальность данной темы и в современное время. Поэтому в статье проводятся параллели с реалиями настоящего времени. В конце статьи автор обозначает роль Касым хана в истории государственности казахского народа и значимость его свода законов в истории формирования законов Казахской степи.

**Ключевые слова:** Восточный Туркестан, Белая Орда, Мавераннахр, Дешт-и Кипчак, род, племя, полководец.

## Introduction

In modern times, native historical science has good prospects for the study of historical processes from the history of the Kazakh Khanate. For this, there are various possibilities to revise some of the views or principles that existed in scientific circulation. In addition, many previously unknown sources are being investigated using already new integrative approaches and methods by as well as native and foreign scientists.

Recently, the study of the history of the Kazakh Khanate has given a tremendous impetus to the complex of events under the auspices of «Rukhani zhangyru», also known as «Modernization of public consciousness». Beyond this program many researchers began to study certain events in the history of the Kazakh Khanate from a different angle and are trying to give a historical assessment.

One of such as problems in modern native historical science is the legal basis of the Kazakh Khanate. This topic still requires in-depth research using interdisciplinary approaches. Therefore, in this article, the author aims to examine the historical significance and assess the code of laws of Kassym Khan «The Bright Way of Kassym Khan». In this regard, in order to achieve this goal, both the content of the law set itself and the opinions of various scholars on this topic were analyzed.

## Historiography of the problem

In the scientific circulation there are many research papers on the history of Kassym Khan's activities and the significance of his code of laws. This problem was reflected in the research works of famous scientists S.K. Ibragimov (Ibragimov, 1969), M.Kh. Abuseitova (Abuseitova, 1981), K.A. Pishchulina (Pishchulina, 1997), T.I. Sultanov (Sultanov, 2003), N.A. Atygaev (Atygaev, 2007), B. B. Karibaev (Karibaev, 2014) and others. Their works describe in detail the political and economic processes during the reign of Kassym Khan. They also analyzed many interstate diplomatic relations of that period. This topic has been studied comprehensively by the above scientists. Nevertheless, this problem still needs in-depth study from the point of view of jurisprudence and other related areas of the humanities.

## Research methodology

Since this article is aimed at reviewing the legislative basis of the Kassym Khan set of laws, it was

written using interdisciplinary approaches. The article has a comparative analysis and makes a parallel with the present day and the significance of the foundations of the modern laws of statehood. In addition, the article used historical-narrative and systemic research methods.

## The role of Kassym Khan in the history of Kazakh statehood

Kassym Khan was the second son of Zhanibek, grandchildren, brother Kerey Khan. The Kazakh khanate began to rise during the reign of Kassym Khan. At first Kassym was the commander of horse army of the ruler Burunduk Khan's son. In bloody battles was known for his extraordinary feat. Kassym Khan became the ruler during the life of Burunduk Khan. After Kassym Khan was elected, power passed to the descendants of Janibek. Kassym was a skilled commander, batyr, who showed heroism in many battles. During his reign in 1511-1522, the Kazakh society rose to a high level, becoming the most powerful state. The main goal of the Khan was a peaceful existence. Kassym got on well with the Sultan said Khan of Mogulistan. In 1513, Sultan Saeed offered to organize a joint campaign against Tashkent, but Kassym refused this offer.

Neighboring clans and tribes having heard about the glory and genius of Kassym Khan, began to join him voluntarily. Lands and the number of clans and tribes began to grow under his leadership. After 1514, the ruler of Moghulistan Sultan Saeed went to eastern Turkestan; the power of the Kazakh khanate in Zhetysu has become stronger. Thus, the boundary of the state expanded to the South and the Syr Darya, in the South-East for a considerable part of the Zhetysu, in the North-West through the channel of the river Ural and the North-East through Ulytau and Balkhash Lake to the spurs of Karkaralinsk mountains.

Almost all Kazakh clans and tribes were united into one state after the Mongol invasion. The population has reached one million under the leadership of Kassym Khan. Kassym khanate became known to many nations. He established diplomatic relations with several European Nations (Crimea, Astrakhan, Kazan, and Moscow). Due to the versatile knowledge and political wisdom shattered breaking in 1516-1517 the troops of Muhammad Shaybani took up over the Shaybanids in the dispute over the territory of southern Kazakhstan. Having gathered a huge army, Kassym Khan went on a campaign to Tashkent. Kassym Khan was wounded and retreated in the battle near Tashkent with the army of Suin-

shy Khodja Khan. Kassym Khan died in 1518 (according to other sources in 1523/24) in the city of Saraishik.

Kassym Khan died in 1518 according to the records of Mohammed Haidar. Tahir Muhammad in his work titled «Rauzat-at Tariq Irina» specifies the time of the death of Kassym Khan 1523-1524 years. According to Kadyrgali Kassymuly Jalairi, Kassym Khan died in the city of Saraishik. After the death of Kassym Khan the Kazakh Khanate weakened somewhat in connection with the outbreak of internecine strife and the relationship between the Moguls and Kazakhs changed. The Kazakh Khanate weakened somewhat and relationship between the Moguls and Kazakhs changed. The name of Kassym Khan, who glorified the Kazakhs around the world in the first quarter of the 16th century, took an eternal place of honor in the history of the Kazakh people and continues to preserve it to this day.

### **«Bright way of Kassym Khan» as the Law of the Steppe**

Based on the laws of customs and traditions, Kassym Khan ruled the people with the help of the steppe's law that was developed by him and went down in history as «the Bright way of Kassym Khan». It was the first law created in the Kazakh nation. The law consisted of five chapters. The law preserved the features of Kazakh customs and traditions that do not contradict the foundations of the Koran; it was created in accordance with the nature of the Kazakh population of that time. Today some sayings are taken from points of this law.

The reasons for its creation were the following circumstances:

1. The Kazakh society of the Khan's times Kerey, Janibek and Burunduk during the reign of Kassym Khan has risen to an unprecedented level;
2. The ethnic territory of the Kazakh people was fully united;
3. The Khan's power extended to the ethnic territory completely, increasing its role;
4. The former law of customs and tradition did not correspond to the newly formed state of the Kazakh khanate.

These mentioned reasons lead to the world of the «bright way». Despite the fact that there was no handwritten text of this law, the preservation of the name of the law in the memory of the Kazakhs for five hundred years shows us that the «bright way» has become the most acceptable for the Kazakhs, for social relations – harmonious. Despite the fact that during the reign of Kassym Khan Kazakh khanate

was more strengthened, but as a centralized state it was still weak. Because it became evident after the death of Kassym Khan at once. Clearly manifested isolation of Kazakh sultans and feudal lords, civil strife began. The proof of this is the period between the beginning of the 1520s after the death of Kassym Khan and coming to power his son Haknazar in the 1538th years, named in the history of the Kazakh Khanate as the «Period of Temporary Weakening». As a true son of the steppe, adhering to the traditions of submission to the elder, following the example of his father, Kassym in all respects obeys the Burunduk Khan, inclines his head in front of him. However, Kassym Khan assumes full responsibility after another battle in 1511 between Burunduk Khan and Muhammad Shaybani Khan. So, he deprived the management of Khan's power from Burunduk Khan. Thus, he turns into the ruler of the entire Eastern Desht-I Kipchak. This is what is stated in the work «Tarikh-I-Rashidi» by Murza Muhammad Haidar Dulati: «Kassym Khan turned into the ruler of the entire Eastern Desht-I Kipchak and his power and glory there were such as no one was satisfied after Juchi Khan» [Ibragimov, 1969: 195].

Here we must take into account the following, that is, that the praise for Kassym Khan is said not only in the work of Murza Muhammad Haydar Dulati, but also in the numerous writings of the contemporaries of the Kazakh Khan. For example, you can call Kamal ad-Din Binai, Fazlallah ibn Ruzbihan Isfahani, Zahir ad-Din Mohammed Babur, Hondemir and others. Here are just a few of their praises: «the only hero of his kind and the famous warrior of the time among the Kazakhs»; «It is also a light of the Kazakh clan»; «Kassym is one of the most eminent rulers of Desht-i Kipchak and a powerful lord of that time»; «He was famous for his power and superior to all the rulers of Deshta with his courage and the numerous people subordinate to him» (Sultanov, 2001: 167). (Note: taken from Russian versions without corrections).

Thus, we were convinced that Kassym Khan was a particularly revered ruler not only in the history of the Kazakh Khanate, but his name was known to all Desht-i Kipchak, Maverennakhr, Zhetysu and even East Turkistan. In written sources, he is compared to Juchi Khan and put on a par with him. Along with this, much is said by the fact that the number of Kazakhs under his leadership reached one million, and that Kassym Khan could immediately withdraw an army of three hundred thousand horsemen.

Kassym Khan was able to conduct an equal policy with the Northern neighbor of the Golden Orda, from under the chains of which he had just

left, and with Russia, adhering to the colonial-imperialist direction. For example, becoming the first among the Kazakh khans, he sent ambassadors to Russia to Grand Duke Vasily III and established diplomatic relations. The second striking example, it was during the reign of Kassym Khan, history of the Kazakh khanate became known to Western Europe. At the same time, they learned about the Kazakh people and as an independent ethnic society.

Kassym Khan's talent as a commander especially manifested itself at the beginning of the XVI century in the vicinity of the Syr Darya for its cities in the battles against Muhammad Shaybani Khan. In four shattering campaigns against Kazakhs committed by Uzbeks during this period, Muhammad Shaibani Khan was largely opposed by Kassym the Sultan. Because he was the chief commander of the entire cavalry army of the Kazakhs. In the last campaign committed by Muhammad Shaibani in 1510 he suffered a crushing defeat from the troops of Kassym Sultan. Due to the commander's talent, using military art skillfully, city Sayram, the most extreme point in the south of the Turkestan's territory became a part of the Kazakh Khanate, and the borders of Kassym Khan's authority were firmly established throughout South Kazakhstan.

Entering the territory of Zhetysay in 1514 into the Kazakh khanate also took place during the reign of Kassym Khan. He brought border of the Kazakh khanate to the channel of the Ural river on the Western part of Kazakhstan having pressed Nogay. All this, of course, should not cause any doubt that this is due to the farsightedness of the ruler, the power of Khan and the talent of the commander of Kassym Khan. As we can see, the area of the territory of the independent Republic of Kazakhstan was formed during the reign of Kassym Khan.

Everyone knows that the time of creation of the independent state by the Kazakh tribes and clans who were within several millennia under the banner of Alash in the center of nomads of Eurasia was the middle of XV century. Kazakh clans who fought for the viability of the statehood's idea during the khans Kerey and Zhanibek found its continuation under the son of Zhanibek Kassym Khan. That is, they were the issues of strengthening the state, bringing into a single whole or under one basis the provisions of the law, the adaptation of laws to the external and internal situation.

If you look at any country in the world, then it had a legitimate system that regulated the internal and external political system. For example, if you look at history, then ancient Babylon had the «Hammurabi Law», in ancient Rome – «The Law

of the XII Tables,» in the Ottoman Empire – the laws of «Qanun-nam», in medieval European feudal states – «Pravda Sali». The laws of Yassa, similar to them in the history of nomads, issued by Chingis Khan. All these laws were the force regulating the social relations of people who lived exactly in this state. However, its main content, the very essence in the end rested on customs and traditions.

One of the first laws of the Kazakh people during the reign of Kassym Khan became the law of customs and traditions, that is, created in the early XVI century «Bright way Kassym Khan.» Unfortunately, in addition to the small amounts of information that are found in oral narratives of Kazakhs, we have not received written confirmation of this legislative act. However, according to individual researchers, it consists of five chapters:

- 1) Law governing private rules;
- 2) Legal regulations related to military Affairs (a duty, principles for the establishment of military formations, section of military production);
- 3) Criminal law;
- 4) International legal norms and circumstances of the Embassy etiquette;
- 5) Intrasonic and public relations obligations (Yerkin, 2001: 82).

Academician Alkey Margulan believed that the law «shining path of Kassym Khan» was taken from the laws of «Yargu» used in Kipchak, Shagatay ulus, and in the Kazakh language gives the notion of «Zhargy» («Code»). The main meaning of this concept – «heat», that is, not to outweigh the words in one of the parties, and to speak directly, fairly. Fairly, honestly solving dispute of judges, the people mass welcomed and praised to heaven. According to its content, the basic idea of this law rests on the origins of ancient military democracy (Margulan, 1975: 541-542).

At the end of the 15th century and the beginning of the 16th century, spiritual instructors-judges of Bukhara spread religious propaganda to the Kazakh lands, agitating: «Do not use the ancient laws of the Code (Jargy). This is the blasphemous work of those who worship heaven, instead pass to the rules of the sharia, and pay attention to them. When you swear, do not say «let the heavens strike,» but say «let the Quran strike,» and lift up the Quran over your head».

According to Alkey Margulan, Kassym Khan with the support of the Kazakh population in times of aggravated political situations led by fiery, eloquent, respected people Biy strengthened the laws of «Svoda» («Jargi»), since ancient times recognized as nomads. According to these reasons, people really liked the fact that Kassym didn't take



the Sharia and formed a new revived the ancient law, the biys – «Code» («Jargy»), and began to call him «bright way of Kassym Khan» (Margulan, 1975: 542).

After the «Bright way of Kassym Khan» served for about a century, with the changes and additions introduced in the times of Yesim Khan (ruled in 1598-1645), the legislative system called «The Old Way of Yesim Khan» came into the world. These two legislative systems served without changes to the Kazakh people until the end of the XVII centuries or until the beginning of the XVIII century. And those born during the reign of Tauke Khan (ruled in 1680-1718) in connection with the need for historical events of that period, two chapters served for the good of the people.

These two chapters were as follows:

- 1) Widow's litigation;
- 2) The lawsuit of payment.

The former five big chapters were joined by these two chapters and became known as the «Seven Vaults» [Gizatov, 2005: 26]. In the scientific and historical literature, they are also referred to as the «Laws of Khan Tauke».

Respecting the laws of the «Bright Way» by Kassym Khan, «The Old Way» by Yessim Khan, and «Seven Vaults» by Tauke Khan and guided by them in everyday life, our ancestors for centuries without trial regulated the intergenital and interbreeding relationships in a fair and honest way, ensuring at the same time as internal, so is the external order of the khanate. It should be noted that Islam brought a

great contribution to the legislation of the Kazakh Khanate, the ideals of which were affirmed through good deeds.

### Conclusion

Thus, Kassym Khan set as his goal the strengthening of the Kazakh Khanate, the expansion of its territory and an increase in the population, which he honorably fulfilled. During his reign, the Khanate with a population of one million reached its greatest power, its economic and political position in the region strengthened, the territorial possessions of the Kazakh Horde expanded considerably and far exceeded the territory of the former White Horde.

Kassym Khan, according to numerous contemporaries, such as Kamal ad-Din Binai, Fazlallah ibn Ruzbihan, Zahir ad-Din Muhammad Babur, Hondemir, Myrza Mohammed Haydar Dulati, was very fond of fast-footed horses and was their great expert. Especially Kassym Khan stood out for his military talent, personal courage and ability to lead others. He personally led each new campaign, was always in the thick of battle, inspired his warriors, was for them an example of valor and intelligence.

Based on the sources of the above authors, one can imagine the image of Kassym Khan as an outstanding, highly moral personality, a brave warrior, a talented and successful commander, a just and wise ruler who has strong power, elevated the Kazakh Khanate and went down in history as a «collector of Kazakh lands».

### References

- Abuseitova M.Kh. (1985). *Kazakhskoye khanstvo vo vtoroy polovine XVI veka* [Tekst]: vtoraya polovina XVI v. [Kazakh Khanate in the second half of the XVI century [Tekst: the second half of the XVI century.] Alma-Ata
- Atygayev N.A. (2007). *Istoriya kazakhskoy gosudarstvennosti: monograficheskoye issledovaniye* [The history of Kazakh statehood: a monographic study]. Almaty: Adamar
- Gizatov Zh. (2005). *Kassym khan* [Kassym khan] // *Kazakh tarikhy*. № 4. Almaty
- Ibragimov S.K. (1969). *Materialy po istorii kazakhskikh khanstv XV-XVIII vekov* [Materials on the history of the Kazakh Khanates XV-XVIII centuries]. Almaty: «Nauka»
- Ibragimov S.K., Mingulov N.N., Pishchulina K.A., Yudin V.P. (1969). *Tarikh-i Rashidi* // *Materialy po istorii kazakhskikh khanstv XV—XVIII vv. (Iz vlecheniya iz persidskikh i tyurkskikh sochineniy)* [Tarikh-i Rashidi // Materials on the history of the Kazakh Khanates XV — XVIII centuries. (Extracts from Persian and Turkic writings)]. Alma-Ata: Nauka
- Karibayev B.B. (2014). *Kazakh khandygynyn kuryly tarikhy: Monogr. / B.B. Karibayev* [The history of formation of Kazakh kKhanate]. Almaty: Sardar
- Margulan A.Kh. (1975). *Kassym khannyn kaska zholy* [The Bright Way of Kassym Khan] // KSE. Almaty
- Pishchulina K.A. (1997). *Kazakhskoye khanstvo v XV v.* [Kazakh Khanate in the 15th century] // *Istoriya Kazakhstana (s drevneyshikh vremen do nashikh dney). V pyati tomakh. Tom 2.* Almaty
- Sultanov T.I. (2001). *Podnyatyye na beloy koshme. Potomki Chingiz-khana* [Raised on a white gown. Descendants of Genghis Khan]. Almaty: Dayk-Press
- Sultanov T.I. (2003). *Rozhdeniye kazakhskoy gosudarstvennosti. Istoriya kazakhskogo khanstva* [The birth of the Kazakh statehood. History of the Kazakh Khanate.]. Almaty
- Yerkin A. (2001). *Istoriya gosudarstva i prava Respubliki Kazakhstan (s drevneyshikh vremen do 1992 g.). 2-ye izdaniye* [The history of the state and law of the Republic of Kazakhstan (from ancient times to 1992). 2nd edition]. Astana