Chapter 8

The Interplay Between Formal and Informal in Conflict Prevention, Mediation and Community Security Provision in Kyrgyzstan

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8.1 Introduction

In post-transition countries of Central Asia, traditional informal institutions, such as *aksakals*¹ and religious leaders—*imams*,² continue to play a crucial role within local communities (Khalid 2007; Nasritdinov and Esenamanova 2014; Poliakov 1992; Polis Azia 2011). Local Crime Prevention Centers (LCPCs) are local state-regulated bodies responsible for conflict prevention, mediation and community security provision in Kyrgyzstan. Understanding the important role of *aksakals* and *imams* within local communities, LCPCs engage regularly with these traditional institutions to fulfill their everyday duties and tasks (Eginalieva and Shabdanova 2016). Respect for elders, or *aksakals*, in Central Asia is ubiquitous (Poliakov 1992). The role of *imams* or religious leaders in social life is growing too, owing to the rise of religiosity after communism: more people pray, fast during Ramadan, perform pilgrimage to Mecca and perform religious rituals for occasions of births, marriages and deaths (Khalid 2007). According to Khalid, Islam in post-communist Central Asia was more than just a religion, it was also about national and cultural revival, and the interest in religion started even before the collapse of communism:

The Islamic revival that began during the Gorbachev era was part of a much broader assertion of national identity that took place throughout the former Soviet Union in the late 1980s as glasnost broke old taboos. It involved the exploration of national and cultural legacies beyond the constraints placed on nationalist discourse by the regime (2007: 125–126).

¹Elderly people, translated from Kyrgyz, lit. “white beard.”

²Islamic preachers, affiliated to local mosques.

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In Central Asia, a person can be an *aksakal* and *imam* at the same time. Usually, *imams* are representatives of the elder generation, which puts them under the category of respected elders, or *aksakals*. Thus, in general, in the Central Asian context, these traditional institutions could sometimes be overlapping, although frequently most *aksakals* are not *imams*. However, what makes them similar in the eyes of local communities is that they are both respected by community members, have wisdom and knowledge to share and have the final word to say during important situations or events, and communities tend to obey their decisions and advice. Respect for *aksakals* and *imams* is not a novel phenomenon in post-communist Kyrgyzstan. As Altyмышbaev notes, respect for elders was one of the best national ethical traditions in Soviet Central Asia (1958). He writes that youngsters appreciate in elders the following traits: “wisdom, experience gained throughout life” (ibid.: 24). Altyмышbaev also refers to the Manas epic, where the importance of elders’ wisdom is also narrated, stating that Manas did not take any single important decision without discussing it with his uncle Bakai (ibid.). However, Altyмышbaev warns that feudal or anti-communist movements could manipulate *aksakals*, apparently because of their influential role and standing within societies.

Today, in post-independence Kyrgyzstan, the role of the informal institutions of *aksakals* and *imams* remains strong even during an era of transformation and development of the region with international support. The country, as one of the young democracies, received huge international support for democratization efforts. Since 1992, Kyrgyzstan has been an OSCE member-state. As of 1998, the year of establishment of the OSCE Programme Office in Bishkek, Kyrgyzstan has been integrated into various OSCE-led projects, from border management to rule of law (see OSCE Web site/OSCE Programme Office in Bishkek). In 2017, the country received OSCE funding totaling 6,797,400 EUR (see OSCE Web site/who we are). In particular, international support was high after the violent conflict in the south of Kyrgyzstan in 2010 (see Introduction in Megoran et al. 2014). To overcome the conflict damages, Kyrgyzstan received a large share of funding from various international organizations, including the OSCE (ibid.) and Saferworld UK³ (see British Embassy Bishkek 2014: 7). International projects on the local and national levels were introduced to address post-conflict reconciliation, prevent the emergence of new conflicts in diverse communities and improve the sense of community security. The OSCE Programme Office in Bishkek implemented a nation-wide community security initiative project between 2010 and 2015. Since 2010, Saferworld UK, with the support of various donors, has been implementing a community security program in Central Asia (Kyrgyzstan and Tajikistan). The interim government of Kyrgyzstan, after the 2010 conflict, in its turn, had re-introduced the Local Crime Prevention Centers established back in 2008 (AKI-press.org 2008).

This study narrates a complementary interaction between “formal” and “informal” in the implementation of Saferworld UK projects in 2015–2019 in the southern part of Kyrgyzstan. Namely, it discusses how LCPC, a formal institution, engages with informal institutions, such as *imams* and *aksakals*, for its everyday duties and tasks,

³£409,728 in 2012–2014.

starting from information dissemination activities and information meetings. LCPC is local conflict prevention, mitigation and resolution mechanism, which also deals with community security issues. LCPC is made up of one or two representatives of the *Aksakals* (Elder's) court, Youth Council, Women's Council, community leaders (known as *domkoms* or *kvartalnyi*) and local neighborhood inspectors. All members work closely with each other to prevent violations and conflicts. The members of the LCPC collectively define and prioritize local security issues and jointly address community security issues. In 2008, based on the Ministry of the Internal Affairs decree No. 162 on "Implementation of the Law on Prevention of Crimes in the Kyrgyz Republic" dated 28.02.2008, in most parts of Kyrgyzstan, LCPCs were established. In 2015, the Kyrgyz Parliament, bearing in mind the importance of conflict prevention on local levels, passed amendments to the Law on the prevention of crimes (initially adopted in 2005). The modified law regulates the activity of LCPCs and indicates funding sources for LCPCs functioning, among which is a financing opportunity from local budgets.

This chapter presents empirical data demonstrating a crucial role that informal institutions play along with LCPCs in conflict prevention, mediation and community security provision in the south of Kyrgyzstan, based on the examples of the Saferworld UK led project on community security in Kyrgyzstan. Overall, the research draws attention to the understudied topic of exploitation/use of informal institutions by formal institutions. The study argues for a complementary interplay between formal and informal institutions in weak democracies and concludes with stressing the importance of informal local institutions in international aid. In contrast to existing studies, this research states that the role of informal institutions in young democracies should not be treated only as detrimental. As discussed below, practices in Kyrgyzstan suggest that interaction between formal and informal institutions resulted in positive outcomes in the implementation of international projects. This piece contributes to a wider literature on (in)formal institutions by defining how and why formal institutions exploit/use informal institutions for own purposes. This contribution studies LCPC's engagement with the informal institutions of *imams* and *aksakals*. This publication illustrates three practices of using informal institutions in conflict prevention, mediation and community security provision by LCPCs in the south of Kyrgyzstan under the Saferworld UK's community security project in 2015–2019. The study is based on field observations between 2015 and 2017, during the author's work with LCPC bodies in the Saferworld-led community security project, data provided in 11 written questionnaires by community members in the south of Kyrgyzstan in 2019 and an interview with a project coordinator of the branch of the NGO "Foundation for Tolerance International" (FTI) in Batken. First, in the theoretical part, the paper discusses key concepts and approaches to the study of (in)formal institutions. In the second part, more detailed information about LCPC is given. In the third part, empirical data is presented and discussed. In the concluding section, broader implications to the study of (in)formality are drawn.

8.2 The Formal and Informal Institutions

This section is a review of the literature on the topic of institutions. A review of previous studies on informal institutions and relations between informal and formal institutions is essential for understanding (in)formal institutions, understanding mainstream debates within the topic and defining gaps in the literature. Before examining informal institutions, let us define for the paper what an “institution” is. Using the neo-institutional approach developed by North (1990), the paper defines an institution as “a norm or set of norms, which have a significant impact on the behavior of individuals” (1990: 3). In other words, institutions regulate individuals’ lives by setting restrictions on their actions. Using this framework, both LCPC, *aksakals* and religious leaders or *imams* can be defined as institutions. LCPC is a formal institution that regulates people’s lives by preventing crimes and improving security. *Aksakals* and religious leaders, or *imams*, also set restrictions on community members’ lives, enforcing norms using own reputation and influence. They can be framed too as institutions, but informal.

Hart was among the first who observed the informal system in 1971. The literature defines informal institutions as unregulated and unwritten practices, despite there is no agreed definition among most scholars. For instance, one of the seminal volumes on informal governance does not suggest a single conceptual framework to this phenomenon; it only separates three distinct uses of informality within “framework,” “process” and “outcome” (Christiansen and Neuhold 2012). As this volume fairly notes in its Introduction, most proposed definitions in the literature are constructed on binary “juxtaposition” of informal and formal (2012: 5). Among other, prominent definitions of the concept of informal institutions are the ones proposed by Helmke and Levitsky (2004). According to them, informal institutions are “socially shared rules, usually unwritten, that are created, communicated and enforced outside the officially sanctioned channels” (2004: 727). Another fair definition was given by Harsh: “a means of decision making that is uncodified, non-institutional, and where social relationships and webs of influence play crucial roles” (2012: 489). According to Lauth, informal institutions last “only if they are rooted in the beliefs and/or attitudes of individuals... If they are not found there, they do not exist” (2012: 48). Therefore, it should be correct to label informal institutions also as “socially based institutions” (ibid.). However, Helmke and Levitsky suggest distinguishing between informal institutions and culture or tradition (in Christiansen et al. (Eds.) 2012). Lauth observes that informal governance is based on two assumptions (2012). The first is when formal governance is “limited” or “formal rules are not followed totally” (ibid.: 46). The second assumption is that governance per se includes formal and informal institutions. Similarly, Polese states that informal practices are outcomes of weak or absent formal institutions, and suggests “in spite of” and “beyond” the state informalities (Polese et al. 2017). Informed by key definitions of informality above, this paper defines informal institutions as socially (beliefs/attitudes) based and socially shared unwritten rules that are imposed on community members, beyond state control and beyond formal state channels. This study, in contrast to Helmke and

Levitsky (in Christiansen et al. (Eds.) 2012), examines the traditional institutions of *aksakals* and *imams* as informal institutions. These traditional institutions are neither formal institutions, nor informal behavioral regularities. They are not informal organizations. They share not only social values but also social expectations, especially expectation of sanction in case of disobedience to *aksakals* or *imams*. For instance, *aksakals*, according to customary laws called *adat*, can use a shame-based enforcement mechanism—*uiat*—and another mechanism of good-blessing—*bata*.

Initially, the informal sector was studied only in connection with labor and employment (Polese 2016). Previously, informal institutions were studied as short-term or transitional phenomena (Bekkers and Stoffers 1995). However, recent studies note that informality is an “inherent” part of the processes of development and modernization (Morris and Polese 2015). Despite prevalent attention to the study of informality in the developing world, recent literature describes informality as ubiquitous (Christiansen and Neuhold 2012). This study goes beyond the economic understanding of informality, as it discusses how informality is used in the implementation of international aid. In line with recent studies, this paper notes informal institutions as a ubiquitous, long-term and integral phenomena. *Aksakals* and religious leaders or *imams* in CA (Kyrgyzstan) have proven to be not a short-term and transition phenomena, but as a long-term and “inherent” part of the processes of modernization in post-independence Kyrgyzstan.⁴

Scholars of (in)formality are mainly focused on inter-relations between formal and informal institutions. They proposed several sets of relations between formal and informal institutions. Merkel and Croissant famously noted that in healthy democracies, informal institutions are complementary to formal ones and allow flexibility, while in “defective democracies,” informal institutions are undermining the legitimacy of already weak formal institutions and could even replace them (2000). A more organized approach in the study of informality based on relationships between democratic institutions and informal institutions was suggested in Lauth: (1) “the complementary” relationship, (2) “the substitutive” relationship and (3) the “conflicting” relationship (2000, 2012). Helmke and Levitsky (2004) further elaborated on typologies of informal institutions. They proposed four types of informal institutions vis-à-vis formal ones: complementary, accommodating, competing and substitutive depending on formal institutions (Helmke and Levitsky 2004). In both classifications developed by Lauth and Helmke and Levitsky, under complementary ones, these authors mean harmonizing relations in a process where informal ones contribute to the efficiency of formal ones. An alternative study of formal and informal institutions as “a symbiosis” was proposed by Gel'man (2012).

In most reviewed works, there is an agreement that informal institutions are “exploiting formal institutions for their own purposes” (Lauth 2012: 56) or that informality exists within formal institutions (see International Handbook on Informal Governance, 2012). However, the inverse relationship between the two is under-represented. Alternative questions in the study of informality to be further investigated could be: Do formal institutions exploit/use informal institutions for their own

⁴For instance, traditional *Aksakals* courts were given legal status in Kyrgyzstan (see Beyer 2006).

purposes? Can formality exist within informality? Some examples of this reverse relationship of formal and informal within the European Union's governance were already noted by Crum and Hérítier. As stated by Crum and Hérítier, the European Parliament has been advancing its formal positions by using informal connections (see International Handbook on Informal Governance, 2012). The paper contributes to this gap in the literature, presenting a non-European and non-Western case that narrates the use of informal institutions by formal ones for their "own purposes."

8.3 Interplay Between "Formal" and "Informal"

The interaction between formal and informal institutions is not new phenomena for Soviet-era and post-independence Central Asia. For instance, Ledeneva (1998) notes how factory managers, to meet high state demands, used informal personal networks such as *blat* to help to meet the state targets during the Soviet era. Close to the collapse of the Soviet Union, during crises in 1990, Gel'man claims that informal institutions were "a valuable survival resource for individuals" (Gel'man 2004: 1023). In the post-Soviet literature on informal institutions, it is mostly the economic sphere that is described as informal (Aliyev 2015; Karrar 2019), despite some works noting that informality is beyond the economic sphere and is embedded in everyday social practices (Morris and Polese 2015).

In post-independence Kyrgyzstan, examples of the interplay between formal and informal in conflict prevention, mediation and community security provision are omnipresent. For instance, the role of the *aksakals* in conflict mediation is noted by Temirkulov (2018). As Temirkulov notes, *aksakals* play the role of mediators in conflict situations between cross-border villages (2018). According to Temirkulov, in the border village of Aksai in Batken region, *aksakals* from Kyrgyzstan and Tajikistan created the so-called "networks" that were used for negotiations between border communities during time of tension: "At the time of escalation, the *aksakals* of both communities arrive at the place of the incident, call for peace and jointly investigate the incident with an aim to punish the guilty. During such moments, the *aksakal* institution is one of key because of the mutual rule of respect for them" (in Sbornik analiticheskikh statei 2011: 43).

Mobilization capacities of *aksakals* using *adat* (a traditional law) are also mentioned by Temirkulov (2004). According to him: "Social control is maintained via sanctions, such as punishment by shame (*uiat*), exclusion from society, or rewards, such as prestige or respect. The capacity to sanction is given to *aksakals*, who, imbued with prestige and deference of judgment, can mobilize communities for different collective actions. The social sanctions of *adat* can compel members of the community to support and even participate in collective violent action" (2004: 97). Local governments tend to use *aksakals* to mobilize voters for elections or support a political candidate by giving legitimacy to them:

Aksakal were involved at local level as an authorizing and legitimizing body for the mobilization. At the end of their speeches, *aksakal* blessed the people with *bata*, thereby giving a traditional symbolic character and legitimacy to the event. Using their social status and authority, *aksakal* urged the population to support and take part in collective actions in defence of their patron and leader. In this way, the *aksakal* generated solidary incentives (Temirkulov 2008: 321–322).

The important roles *aksakals* play in the everyday social lives of modern Kyrgyzstanis are well described in Beyer:

The image of the *aksakal* in Kyrgyzstan is that of an old, long-bearded man who wears a *kalpak* (felt hat) and a long robe skillfully embroidered with traditional ornamentation. *Aksakals* are assumed to be wise and knowledgeable about the customs and traditions, as well as the arts and crafts, of the Kyrgyz people. Their duty is to teach the younger generation about *ak zhol* (the right way; literally the white path) of living a moral life. They mediate between conflicting parties, drawing on their extensive knowledge of customary law, kinship relations, proverbs, and stories. As household heads or lineage elders, and sometimes both, *aksakals* need to be present at all life-cycle events – births, marriages, and funerals... (2015: 54–55).

Aksakals are also the ones who mediate between disputing parties within *Aksakals* courts. *Aksakals* court as an institution was formalized in 1993, and previously, it existed as a pre-modern or pre-Soviet mechanism of a customary law, *adat*. A law on *Aksakals* courts passed in 2002 outlined the court's authority and its organization. According to the law, *Aksakals* court is made of five to nine *aksakals*. The court has the authority to decide on disputes related to family issues, such as disputes between relatives and between neighbors over property and resources. *Aksakals* court decisions can be the following: “(1) issue a warning, (2) require a public apology to the victim(s), (3) administer a public reprimand, (4) require the guilty party to compensate for material damages, (5) fine the guilty party an amount not to exceed the equivalent of three months' salary at minimum wage, (6) sentence the guilty party to community service” (Beyer 2015: 56).

As practice demonstrates, the *Aksakals* court is often led by former Interior Affairs (IA) employees who have a legal studies background, while civilian *aksakals* are members of *Aksakals* court. *Aksakals* and *imams* also can be heads of condominium or house committees and be at the same time LCPC members. However, *aksakals* and *imams* are not always members of LCPCs, very often they are temporarily involved in work with the population on various issues carried out by local governments and LCPCs. Temirkulov distinguishes between formal and informal *aksakals* in the following way—he refers to *aksakals* in a court of *Aksakals* as formal ones, while *aksakals* out of official institutions as informal (2008). However, in this paper, *Aksakals* courts within LCPCs are considered as formalized or legalized institutions comprised of informal institutions—*aksakals*.

Finally, the role of *aksakals* and *imams* in maintaining community security became apparent and important during the inter-ethnic clashes in southern Kyrgyzstan in 2010. They both played the role of mediators between the conflicting parties and in most cases prevented the escalation of the conflict in other regions of Kyrgyzstan. The Kyrgyz government particularly emphasized the role of *aksakals* in the reconciliation

processes. In particular, the commandants of Osh city, after the conflict in 2010, thanked the elders for their assistance in preventing the spread of the conflict to other inter-ethnic *rayons* (districts). During an interview with the head of the Kara-Kochkor *ayyl okmotu*, the role of the *aksakals* is noted as a key one in the regulation of socially significant issues in Kara-Kochkor *ayyl okmotu*.⁵ According to the head of the *ayyl okmotu*, only *aksakals* could restrain young people from joining the conflict in Osh in 2010. These were *aksakals* who did not allow aggressive youth to loot arms from the Kara-Kulja District Department of Internal Affairs and “blow into” the city of Osh. Instead, the elders were able to convince the youth to send humanitarian aid to Osh. Thus, it has turned out that the Kara-Kochkor *ayyl okmotu* was the first village in the southern part of Kyrgyzstan to send humanitarian aid to the city.

8.4 Inefficiencies Within a Formal Institution: The *Aksakals* and the *Imams*

As some of the earlier works noted above, inefficiencies within formal institutions can result in informal practices. In particular, Lauth (2012) and Polese et al. (2017) observe that informal institutions appear when formal ones are imperfect. This section aims to provide an institutional analysis of the LCPC institution, namely to define and analyze its inefficiencies and define what it means to democracy. First, it describes LCPC’s organizational structure and points out its weaknesses. Second, it reflects on democracy versus the informal institutions idea developed by several studies mentioned earlier.

Despite its establishment in 2008, Local Crime Prevention Centers’ activity largely remained on paper (Saferworld 2010). However, it was only after the 2010 inter-ethnic conflict, when their work had received greater national and local attention, mainly due to international assistance as a response to the crisis. It was only by 2015 when the Kyrgyz Parliament adopted the Law on prevention of crimes (further the law), which fully put the activity of LCPCs under regulation. To ensure the functioning of LCPCs, the government allocated rooms or offices in local schools or government buildings. It was mostly local municipal agencies, such as territorial councils or *ayyl okmoty* (village council) offices, that became LCPC offices.

According to the law, an LCPC consists of representatives of *Aksakals* court (court of elders), the local Women’s Committee and the Youth Council and neighborhood police officers, with the first deputy head of a local municipality usually presiding as the head of the LCPC. LCPC members meet on a regularly scheduled basis to discuss community security issues and liaise directly with law-enforcement agencies to identify, prioritize and resolve community security concerns. Any citizen of the Kyrgyz Republic above 18 years old can become an LCPC member, including elected members of local *kenesh* (local legislative councils). Usually, LCPC members are

⁵Interview with the head of Kara-Kochkor *ayyl okmotu* during the work visit to Kara-Kochkor with Saferworld UK, Osh oblast, 2016 (from the archive of the author).

represented by the heads/deputy heads of self-governments, employees or veterans of IA, representatives of education facilities, local social workers and representatives of condominium committees. Because LCPC members work on a voluntary basis, LCPCs' composition is mostly represented by workers of local self-governments or other state workers, such as teachers, doctors and nurses. *Aksakals* court, during a hearing, consists of five to nine respected elders or pensioners from the communities who are invited to hear the case. Usually, ex-employees of law-enforcement bodies preside over *Aksakals* court hearings. However, among other members of the court are civilian *aksakals*.

LCPCs have the legal authority to carry out crime prevention activities within a neighborhood or territorial district. However, LCPCs are not police affiliated and do not operate under the authority of security structures. A representative of neighborhood police within the LCPC area attends LCPC meetings, cooperates with LCPC on particular criminal cases and even delegates petty cases, such as inter-family disputes and conflicts with neighbors for consideration to *Aksakals* court. LCPCs operate under the Conventional Regulation of LCPC, adopted by the governmental decree No. 747. LCPC in the document is defined as a non-commercial organization formed by local self-governments for ensuring participation of community members in the process of conflict and crime prevention:

LCPC is aimed at strengthening of joint effort of local self-government, local communities, civil society, organizations and entities located within a respected territory of city, *ayil okmotu* in conducting activities aimed at prevention, identification of crimes elimination of conditions contributing to their occurrence and maintenance of public order and security of citizens (the Conventional Regulation on LCPCs, 2015: Article 2, par.8).

LCPCs annually develop their work plan based on the analysis of the security situation within their respective communities. The main LCPC activities include individual and public crime prevention, working with groups at risk, such as adolescents and lawbreakers. Major tasks include protection of citizens' rights and freedoms, crime prevention, joint work with law-enforcement bodies and local self-government in increasing civic awareness, monitoring of crime dynamics, participation in discussion of laws related to community security and crime prevention. Thus, LCPC has a legal authority to prevent crimes and conflicts on the local level in partnership with neighborhood police officers and local governments.

As stated in the amended law on prevention of crimes adopted in 2015, LCPCs activity can be organized in two ways: (1) LCPCs can be registered as a legal entity, or (2) LCPCs can become unions or associations without forming a legal entity. In the first case, LCPCs become a full rights party in property relations, i.e., they can conclude agreements, have own seal and bank account, can find independent sources of financing and receive social orders from the state and non-state bodies. In the second case, LCPCs can exist in the form of a non-commercial organization without a full rights party in property relations, because local self-governments take this authority. Besides, in the second case, local self-government is responsible for defining LCPC membership and developing the regulation of LCPC, while local *keneshs* are responsible for approving the membership and the regulations.

According to the policy brief of the civil union “For Reforms and Result,” there are 553 LCPCs in Kyrgyzstan, which comprise in total 12,611 public members (2014: 7). Despite the high number of LCPCs, in practice, the predominant work of the LCPCs has a formal character, and very often, LCPC members are represented by local government members only. According to the “Community security assessment in Osh and Jalalabad oblasts (district)—November 2010,” supported by the Saferworld, in many communities visited by the research group, the LCPCs existed only on paper. In practice, they did not function at all or only carried out minimal functions. A fair example of LCPCs’ inefficiency as a conflict prevention institution is the recent ethnic clashes in June of 2010. LCPCs demonstrated their limited capacity as a conflict prevention mechanism.

LCPCs’ activities do not have sufficient influence and successful outcomes due to several reasons. Firstly, there is a weak understanding of their roles and a low professional capacity of the LCPC members in making analysis and performing preventive activities in the target communities. Because most LCPC members are not educated on the basics of conflict, mediation technology and mechanisms, they resolve conflict cases and problems on the empiric level rather than on the professional. Secondly, the disinterest of the LCPCs members in their work, due to the lack of salary and necessary work conditions, serves as another reason for LCPC’s ineffectiveness. Despite the law on prevention of crimes (2015) enabling financing of LCPCs from the local authorities, support to LCPCs remains weak because of limited local budgets. The final issue is related to LCPC membership. In most LCPCs, because of the lack of a salary, local self-government workers merge their major tasks with LCPC’s tasks, thus becoming LCPC members. For instance, Women’s Council members are usually specialists working in the social department of *ayil okmotus*. Furthermore, Youth Councils are usually not represented by youth, but by other *ayil okmotu* workers. Thus, *ayil okmotu* workers are mostly busy with their major tasks and usually have no time to fully commit themselves as LCPC members. Also, in some communities with an issue of trust between residents and local governments, the practice of merging LCPCs with mistrusted local administrations becomes a serious issue. Because of inefficiencies within LCPCs and the weak potential of LCPC members, LCPC members very often involve informal leaders, such as *aksakals* and *imams*, in their activities. The involvement of *aksakals* and *imams* is the key for the successful implementation of LCPC’s everyday duties and tasks, such as information dissemination or information meetings with the public about important issues related to community security and rule of law.

8.5 Socially Rooted Beliefs and Attitudes

In most rural areas of Kyrgyzstan, informal leaders have a decent reputation and a strong influence within communities. It is socially rooted that one should listen to *aksakals* and *imams*. They participate in local decision making and even create public opinion due to their reputation and high social standing. Therefore, both *aksakals*

and *imams* remain influential in rural Kyrgyzstan. Using a statement suggested by Lauth, “If they [beliefs and attitudes] are not found there [in informal institutions], they [informal institutions] do not exist” (2012: 48), it could be framed that in rural Kyrgyzstan, these informal institutions are sustained because they are socially rooted in local beliefs and attitudes.

Democracy is a concept that is measured and framed differently by various scholars. For instance, Barrington Moore states that democracy is not possible without a middle class (1966), while Lipset argues that economic development is a precondition to democracy (1959). Schumpeter notes that electoral democracy is a minimalist definition of democracy (Mackie 2009), while Almond and Verba stress individualistic and civic values in democracy (1963). In the literature of post-Soviet Central Asia, the political transition of Central Asian states to liberal democracy after 1991 was widely criticized (see Omelicheva 2015; Collins 2006). For example, Omelicheva stressed the prevalence of “indigenous models of democracy” in Central Asia (2015: 133) that follow Russian and Chinese models instead of the Western liberal model of democracy. Likewise, Matveeva warned that “formal democratic institutions can become meaningless decorations” (1999: 33), and later labeled Central Asian states as “authoritarian” (2009). However, this chapter does not aim to go into the depth of these debates and accepts Central Asian countries as states with formally democratic systems of governance, which in comparison to Western democracies can be defined as weak.

Thus, according to Merkel and Croissant (2000), in strong democracies, informal institutions are complementary to formal ones and allow flexibility, while in weak democracies informal institutions replace or undermine the legitimacy of formal institutions. According to Lauth, three possible relations between informality and democracy can exist: (1) “the complementary” relationship, (2) “the substitutive” relationship and (3) “the conflicting relationship” (2000, 2012: 56). Helmke and Levitsky (2004) propose four types of relations: complementary, accommodating, competing and substitutive. While examining the informal institutions of *aksakals* and *imams* vis-à-vis democracy, based on the social and political reality of Kyrgyzstan, the *aksakals* and *imams* stand out as important contributing agents in building democracy and rule of law. *Aksakals* on local levels are given the role of justice-makers via the functioning of *Aksakals* courts, regulated by the state. Assisted by their reputation in rural Kyrgyzstan, *aksakals* enforce justice and rule of law along with law-enforcement institutions. Kyrgyzstan is a secular state, where state institutions and religious institutions are separated. However, in response to the rise of non-traditional forms of Islam in the region, Kyrgyzstan is among the first states in Central Asia to develop a single education curriculum and certification for *imams*. Increased state efforts in support of traditional (*hanafi mazhab*) Islam can be observed. In a speech delivered on November 15, 2018, at the international conference “Islam in the modern secular state,” President Jeenbekov stressed the role of religious institutions in supporting the state’s core function of maintaining peace and

stability (President.kg 2018). Thus, today, *imams* along with *aksakals* have become key agents in building democracy and rule of law in Kyrgyzstan.

The following empirical part of this study further elaborates on the argument of a complementary relationship between formal and informal institutions by describing three practices of using informal institutions such as *aksakals* and *imams* by LCPCs in their activities under Saferworld UK's community security project in the south of Kyrgyzstan.

8.6 Informal Institutions in Local Crime Prevention Centers in the South of Kyrgyzstan

This study focuses on examining the reverse relationship between formal and informal institutions, namely formal institutions' exploitation/use of informal institutions for their own purposes, and by this, it demonstrates a complementary relationship between them. Arguing with Lauth (2012), the study in the following three empirical examples states that formal institutions can also exploit informal institutions. This contribution proposes that formality can also exist within informal institutions and exploit the latter—an idea under-represented in the non-Western literature; while relations between them are complementary.

As mentioned earlier, *Aksakals* courts are formal bodies within LCPCs. There are more than 500 *Aksakals* courts in Kyrgyzstan, according to a project coordinator of the FTI branch.⁶ *Aksakals* court members are elected for three years by community residents, and they work on a voluntary basis. *Aksakals* court is usually led by an ex-employee of the IA within the institution or a pensioner with some legal background. According to the law on *Aksakals* court (2002), court members base their judgments and decisions on traditions, customs and personal judgments of ethics. Membership in the *Aksakals* court usually consists of *aksakals* with a minimum age of 50 years old, with a decent reputation and respect within communities. It is important to attract *aksakals* with a good reputation to *Aksakals* court in order to give legitimacy to LCPCs and ensure the effectiveness of *Aksakals* courts' decisions. From this point of view, *Aksakals* court within the LCPC can be conceptualized as a formalized institution built on an informal institution—*aksakals*. In most of the questionnaire responses, the residents in southern Kyrgyzstan note that they would obey the decisions made by *aksakals* if they were respected people and had a strong reputation in the community. As one of responses notes: “*El alardyn sozun eki kylbait*” (translated as “people would not disobey them”). To the question of what are key qualities that make *aksakals* distinct from others, respondents wrote: “prevalence of life experience and skills,” “reputation,” “respect,” “neutrality” and “justice.” According to an

⁶Interview with a project coordinator of the branch of an NGO “Foundation for Tolerance International” (FTI) in Batken, 2019.

FTI representative, *Aksakals* courts are perceived by the public as impartial; people in rural areas try to resolve their own issues on a local level with the help of *aksakals*, without referring to higher courts that are perceived negatively by most people. Similarly, written questionnaire responses note that in general, *aksakals* are not involved in corruption, and they truly want to help (they even spend their own money, as a respondent from Suzak notes).⁷ In the analysis earlier, in general, it was stated that LCPCs institutionally have weak capacity, and therefore, the functioning of *aksakals* with a decent reputation and a powerful final word in disputes within *Aksakals* court would be only an asset to LCPCs.

In addition, there is some truth that *Aksakals* courts ended up as a formal institution because of Kyrgyzstan's nation-building and decentralization policies (Beyer 2015). Beyer fairly interprets *Aksakals* court as "revitalized," "invented" and as a "continued vitality" at the same time because the institution is based on pre-Soviet tradition, which was re-introduced after independence (2006: 170). In her later work, Beyer refers to *Aksakals* court as "neo-traditional" institution and concludes that there are on-going processes of "customization" or "gradually incorporation of non-customary law into salt [custom]" in *Aksakals* court activity (2015: 66). She notes that non-customary law is a state law and is being presented to the public as customary. The author hints to another interesting relationship between formal and informal laws within *Aksakals* court. For the purposes of the paper, Beyer's statement could be put in the following way: formal laws are presented or interpreted to local communities by *Aksakal* courts members as traditional norms imposed by informal mechanisms of *adat*. Thus, informal enforcements within the formal body of *Aksakals* court can be also observed. The informal mechanisms of *adat* tend to be effective because of their continued legitimacy among local communities. Especially because these *adat* mechanisms are enforced by respected *aksakals*, communities tend to obey the decisions of *Aksakals* courts, indirectly enforcing the status of LCPCs in Kyrgyzstan.

8.7 *Aksakals* and Imams as Means of Information Dissemination for Local Crime Prevention Centers

The second common practice of interplay between "informal" and "formal" in conflict prevention, mediation and community security provision in the activity of LCPCs is the involvement of local *aksakals* and *imams* in information dissemination activities to the communities on various issues. *Imams* in conservative religious communities in the south are key bridges between the population and LCPCs. *Imams* are usually attracted by LCPCs to deliver information related to (but not limited to) early marriages, bride kidnapping, domestic violence, school bullying, violent extremism and radicalism. *Imams* inform elder and young males about the consequences of these violations during Friday sermons at mosques. For instance, written questionnaires

⁷Written questionnaire responses, 2019.

suggest that in Jalalabad, *imams* are important institutions in the communities of Yrys and Atabekov *ayil okmotus*.

Most LCPCs in the south of Kyrgyzstan under observation of the author during her work with LCPCs used *imams* to inform communities about changes in the penal code of the Kyrgyz Republic, such as bride kidnapping and early marriages. In most rural and traditional areas of Kyrgyzstan, bride kidnapping and early marriages are practices that still occur, despite they are penalized according to the penal code of the Kyrgyz Republic. For instance, in November 2016, a new article was introduced into the penal code of the Kyrgyz Republic, prohibiting the performance of religious ceremonies for early marriages. According to the penal code, there is a punishment of three to five years imprisonment for the person who has performed a religious ceremony of marriage for minors, for the parents of a minor as well as for the adult groom. In most rural areas in Osh and Jalalabad, such as Mirmahmudov, Yrys and Suzak *ayil okmotus*, *imams* were drawn by LCPC members to inform communities about penalization for early marriages. *Imams* conducted information meetings for the public with law-enforcement bodies about the consequences of early marriages and called communities to cooperate with LCPCs to prevent early marriages. Information meetings were followed by questions and answers sessions. *Imams* also referring to Islam noted that a marriage cannot be “blessed” according to Islam if it is a forced marriage. As practice demonstrates, in Kyrgyzstan, early marriages are forced ones. In similar ways, *aksakals* and *imams* are used by LCPCs to inform citizens about the strengthening of bride-kidnapping penalties from fines to imprisonment up to seven years, based on an amendment of the penal code in 2013. Despite changes in the penal code, in rural and urban areas of Kyrgyzstan, bride kidnappings are still not rare. For example, in 2017, in a resonant case of bride kidnapping in Jayil rayon police department in Chui oblast, a girl named Burulai was killed by a kidnapper in the police department (Sputnik.kg 2018). This incident brought increased attention to the situation of girls in Kyrgyzstan.

Moreover, both *aksakals* and *imams* are used by LCPCs in the prevention of violent extremism and radicalism within respective communities. *Aksakals* and *imams* along with LCPC members and representatives of law-enforcement bodies and university lecturers of the theology department in Osh, Jalalabad and Batken oblasts held several information meetings with local communities. During these meetings, *aksakals* and *imams* restrained youth from joining radical movements, guiding them instead toward non-violent traditional Islam—the *hanafi* branch of Islam, or *hanafi mazhab*y. In one information meeting in Suzak in 2016, teenagers from three schools participated. One could observe that the meeting was on time and important for schoolchildren. The schoolchildren were asking questions about differences between *hanafi* and other branches of Islam. Some teenagers spoke about WhatsApp voice messages and videos coming from strange numbers calling for extremist activities. *Imams*, theology lecturers and law-enforcement representatives answered questions coming from the young audience. Among invited guests for similar activities were also women from *medreses* or Islamic schools. Usually, they were invited to information meetings about early marriages, together with public health representatives to inform about the negative consequences of early marriages on health conditions for underage

girls. Thus, LCPCs tend to use *imams* and *aksakals* for the improvement of LCPCs' outreach to communities and to ensure that their activities are efficient and acceptable by communities.

Finally, another practice of interplay between "informal" and "formal" is the use of local *aksakals* and *imams* as community mobilizers. LCPC members increase their efficiency by attracting *aksakals* and *imams* for community mobilization or to assemble people for a meeting with law-enforcement bodies or with LCPCs. As was noted earlier in the paper, these informal institutions use own reputation and networks, use a shame-based enforcement mechanism—*uiat*—and another mechanism of good-blessing—*bata*. As was mentioned in written questionnaires by respondents too, it is a shame to not show up to events that are recommended by *aksakals*.⁸ They are perceived in communities as life-guiding people, and their words are accepted as wise: "*aksakaldar nasaat aitat*" (translated as *aksakals* share with us their wisdom).⁹ *Uiat* is a form of sanction that *aksakals* can inflict on members of community. To cite from Temurkulov:

Uiat is a sanction, which is used to expose unworthy behaviour or an act which is publicly condemned. One *aksakal* or a group of *aksakal* can initiate it. Condemnation can take place publicly at a meeting or in a form of rumours. As a result, the community, or in most cases a part of it, can isolate the person. People stop greeting, communicating with and offering help to the person. Exile from a community could, in theory, be a most severe form of punishment; however, in the communities that were investigated, this does not happen in practice. People of various ages, social status and both sexes can be exposed to the punishment of *uiat* (2008: 321).

On the other side, *imams* rely on their religious social standing within communities. This social role empowers them too, especially in religious societies. People listen to *imams* and accept their advice or suggestions. Similarly, *imams* have similar sanctions. Both *aksakals* and *imams* are important socially based institutions. They are both present in the everyday lives of people, and they witness all significant life events of community members—such as births, weddings and funerals. Both *aksakals* and *imams* are invited to these private ceremonies to give a blessing *bata* and to recite the Quran. It is difficult to imagine the performance of these private ceremonies without the participation of *aksakals* and *imams*. Therefore, *aksakals* and *imams* are respected institutions whose words are final. Due to these devices, *aksakals* and *imams* remain influential in community mobilization. LCPCs understand the power of *aksakals* and *imams* among societies and often use them for their advantage. Not only do the LCPCs need *aksakals*' and *imams*' mobilization capacities, but also the local self-government bodies, as was noted by some of the scholars above.

⁸Written questionnaire responses, 2019.

⁹Written questionnaire responses, 2019.

8.8 Conclusion

Despite the transformation and development of the region with the support of international actors following the 2010 inter-ethnic conflict, informal institutions, such as *aksakals* and religious leaders or *imams*, remain strong at the local level. The Saferworld UK project that involved formal institutions, labeled as Local Crime Prevention Centers in conflict prevention, mediation and community security, was not immune from the influence of informal institutions of *aksakals* and *imams*. It appears that today, LCPCs on their own are too weak to maintain community security and prevent local conflicts, and therefore, they tend to use the informal institutions of *aksakals* and religious leaders or *imams*. *Aksakals* and *imams*, by strengthening the weak performance of LCPCs, can help to create positive public opinions toward LCPCs or improve LCPCs' reputation.

More specifically, this research described the use of informal institutions by formal ones—a phenomenon under-represented in the literature, especially in a non-Western context, by describing three practices of formal institutions' use of informal institutions in conflict prevention, mediation and community security provision in Kyrgyzstan as (1) *Aksakals* court as a formalized institution made of informal *aksakals*, (2) *aksakals* and *imams* as means of information dissemination for LCPCs and (3) *aksakals* and *imams* as community mobilizers for LCPCs.

This study confirmed most of the assumptions proposed by scholars regarding the reasons for the endurance of informal institutions, such as weak or limited formal institutions and the social rootedness of beliefs and attitudes about informal institutions. Most importantly the chapter demonstrated that in weak democracies like Kyrgyzstan, a relationship between formal institutions and informal institutions is complementary rather than substitutive or competing.

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