

ATTITUDES TOWARD PRENUPTIAL AGREEMENTS AND THEIR POTENTIAL AS A LEGAL REGULATORY TOOL: THE CASE OF THE REPUBLIC OF KAZAKHSTAN

Togzhan ZHUNUSSOVA

Senior lecturer in the Department of Civil and Labor Law,
Karaganda Buketov University, Kazakhstan
E-mail: is-is-iu-k@mail.ru

Abstract

The development of prenuptial agreements worldwide is marked by significant variability, influenced by diverse historical, psychological, and cultural factors. This study focuses on age and gender differences in attitudes toward prenuptial agreements in Kazakhstan, while also considering the impact of social, economic, and cultural elements on the adoption of these agreements. This research is particularly relevant for the Central Asian region and Eastern Europe, where modern prenuptial practices only began to take shape after the decline of socialist ideologies. Kazakhstan is currently undergoing socio-legal modernization, incorporating elements of Western family law; however, these practices face substantial limitations due to the need to respect traditional values, which strongly influence perceptions of prenuptial agreements. This study engaged 1,000 participants aged 20 to 50. Through surveys, in-depth interviews, and expert consultations, patterns in perceptions of prenuptial agreements were identified across demographic groups, with a special emphasis on younger generations and gender distinctions. Key findings indicate that younger participants (ages 20–30) show greater openness to prenuptial agreements, viewing them as pragmatic planning tools, while older individuals often exhibit hesitancy and negative views, largely shaped by traditional beliefs. Furthermore, women display a stronger preference for prenuptial agreements, seeing them as a means of financial security. These findings highlight the need for culturally sensitive legal reforms that account for these demographic variations, supporting the gradual integration of prenuptial agreements into Kazakhstani family law. Such integration may broaden marital rights, reduce economic vulnerability, and enhance protections for women and children. This study contributes to the literature by clarifying how age, gender, and sociocultural factors uniquely influence acceptance of prenuptial agreements, and it offers

insights for targeted legal education and policy reform in family law.

Keywords: *marriage contracts, family law, gender differences, economic security, cultural norms, legal reform in Central Asia*

1. Introduction

The institution of prenuptial agreements is developing rapidly worldwide, driven by changes in socio-economic conditions and the modernization of family law (Petrova, 2022). International organizations, including the United Nations, view marriage contracts as essential tools for protecting human rights in family relationships. Specifically, the Committee on the Elimination of Discrimination against Women (CEDAW) highlights the need to ensure equal rights for spouses both during marriage and in cases of divorce (Petrova, 2023). Research from the World Bank suggests that countries with well-established prenuptial agreement systems provide stronger protection of women's property rights and report lower levels of economic abuse in families (Bekkozina, n.d.).

In recent decades, the legal frameworks governing prenuptial agreements have shifted significantly (Galindo Ayuda, 2024). Until the mid-1970s, prenuptial agreements that defined property rights in cases of divorce were often deemed contrary to public policy in the United States and Western Europe, and therefore, held no legal standing (McAtamney, 2015). Currently, in Germany, only 5% of married couples have a prenuptial agreement (Nutz, Nelles, & Lersch, 2022), while in France, around 18% of newlyweds enter into such agreements (Frémeaux & Leturcq, 2018), and in the Netherlands, this number reaches 25% (Nutz et al., 2022). In the United States, the proportion of couples opting for prenuptial agreements ranges between 5-10% (Nutz et al., 2022). Italy presents a unique case: about 67% of newlyweds choose a separate property regime, a trend that reflects the specifics of Italian law, which requires couples to select a property regime upon marriage without needing a costly prenuptial agreement (Ruiu & Breschi, 2017).

The experience of Russia is particularly relevant due to its shared legal traditions with Kazakhstan (Rakhmetulin, Abdrasulov, & Abdrasulova, 2023). In Russia, the contractual property regime for spouses was introduced with the Family Code of the Russian Federation in 1995. Studies indicate that only 3-5% of Russian couples formalize prenuptial agreements, despite the 25-year history of this practice (Sergeeva, Pryalukhina, & Tuzova, 2019). At the same time, surveys show that 19.6% of the Russian population considers prenuptial agreements essential, while 25.5% view them as advisable (Rudchik, 2019). This gap between public attitudes and actual behavior is attributed to a range of factors, including moral concerns and limited public awareness about legal options (Marysheva & Muratova, 2014).

In Kazakhstan, the institution of prenuptial agreements was established in 1998, reflecting broader developments in civil and family relations (Petrova, 2023; Zhunussova, 2022). Statistics show that in 2020, 128,800 marriages were

registered in Kazakhstan (Bekkozhiba, n.d.), yet the adoption rate of prenuptial agreements remains low, despite the relatively affordable cost of around 130 USD to formalize one (Badaeva & Lashina, 2015). In both Russia and Kazakhstan, prenuptial agreements are more common among individuals who have previously experienced property division, as well as among foreign nationals (in interethnic marriages) and high-net-worth individuals (Mikhailova, 2021).

As shown by the development of prenuptial agreements in different countries, this process is distinctly uneven. The regulation of family law is strongly influenced by national culture and traditions, as well as by the lack of a unified perspective among legal scholars regarding the need and benefits of harmonizing family law practices across regions (Kutygalieva, Khamzina, Zhaxymbetov, Tileubergenov, & Buribayev, 2024; Stjepanovic, 2024). While prenuptial agreements are primarily governed by the Family Code of the Republic of Kazakhstan, their regulation also includes lower-ranking legal acts, such as notarial laws and other administrative regulations (Ministry of Justice of the Republic of Kazakhstan, 2012). These acts are pivotal in the implementation of prenuptial agreements, particularly in terms of notarization and the formal legal recognition of such contracts. The involvement of notarial acts plays a significant role in ensuring the legal validity of these agreements, impacting both domestic legal practices and the protection of individual rights. Sociological studies propose various hypotheses regarding the factors that drive people to consider prenuptial agreements, identifying consistent correlations between education levels, attitudes toward prenuptial agreements, urbanization, and the religious backgrounds of spouses. Additionally, researchers note significant variation in prenuptial agreement perceptions across generations (Klyukovskaya, Belashova, Borisova, Kardanova, & Odegnal, 2023), genders (Baskynbayeva, Massalimova, Omirbekova, Kuderina, & Abikenov, 2024), and individuals' previous marital experiences.

This study explores the potential for changing attitudes towards prenuptial agreements in Kazakhstan. Kazakhstan is actively oriented towards incorporating Western legal principles, motivated by the perception that its legal system should align with the Romano-Germanic (continental) law tradition. However, despite extensive borrowing from both Romano-Germanic and common law systems, Kazakhstan's legal framework continues to diverge significantly from these systems. When assessing legal developments, particularly in the areas of marriage and family law, it is essential to consider Kazakhstan's unique socio-cultural context, including prevailing worldviews, lifestyle norms, and family structures (Jamanbalayeva, Burova, & Tlenchiyeva, 2024). These perspectives have been shaped by longstanding cultural traditions, customs, and Islamic legal norms (Zein et al., 2022), which have historically influenced family law regulation in Kazakhstan (Janguzhiyev, Zhapekova, Zhaxygaliev, Smagulov, & Zhubanyshov, 2023).

This article presents research conducted in Kazakhstan, primarily focusing on prenuptial agreements within the framework of legal mechanisms governing spousal property rights (Rudchik, 2019). However, to expand the

understanding of prenuptial agreements as tools for managing family relations, particularly in addressing the pressing issue of domestic violence in Kazakhstan (Zhubandykova, Borchashvili, & Tuleugaliyeva, 2024), it is essential to investigate the attitudes of different demographic groups towards the potential use of prenuptial agreements. Such insights can inform necessary legislative, organizational, informational, and other initiatives aimed at strengthening the institution of prenuptial agreements in Kazakhstan.

The research first identified gaps regarding the influence of age and gender on attitudes toward prenuptial agreements in contemporary Kazakhstan. This topic is particularly significant, as changing generational attitudes may drive greater societal interest in prenuptial agreements over time. Indications of this shift can be observed in recent studies, which reveal notable differences in how prenuptial agreements are perceived across generations. Generation Z (those born after 1997), for instance, is shown to adopt a more pragmatic approach to marriage, family relations, and financial planning (Volkov et al., 2024), a trend influenced by digital literacy, later marriage age, and a focus on financial independence (Tjiptono, Khan, Yeong, & Kunchambo, 2020). The younger generation's pragmatic outlook creates a favorable environment for broader acceptance of contractual family regulation (Badaeva & Lashina, 2015; Petrova, 2022).

Gender studies from other countries reveal substantial differences in motivations for entering into prenuptial agreements between men and women. Women are more likely to view prenuptial agreements as tools for economic security and for safeguarding rights to jointly acquired property (68% of female respondents) (Alsemgeest & Grobbelaar, 2015). Men, on the other hand, prioritize the protection of business assets (73%) and prefer a clear distinction between personal and joint property (Cremer, Pestieau, & Roeder, 2015).

Divorce experience also plays a notable role. Research shows that individuals who have previously gone through a divorce are 2.5 times more likely to enter into a prenuptial agreement when remarrying (Blair-Stanek, 2014). Additionally, around 75% of people who have faced legal disputes during divorce view prenuptial agreements as essential in subsequent marriages (Ahmad, 2009). Thus, as Kazakhstani society modernizes, traditional views on marriage are undergoing transformation. It is, therefore, crucial to pursue research and discussion on the potential of legal instruments that can foster a society where citizens' rights (Sheremeteva et al., 2024) — particularly in marital and familial contexts (Karimova et al., 2022) — are protected, an especially important goal for contemporary Kazakhstan.

Research Purpose: To investigate the perceptions of prenuptial agreements across different age and gender groups in Kazakhstan, with the aim of developing recommendations for enhancing legal mechanisms governing family relations.

Research Objectives:

1. To conduct a comparative analysis of attitudes towards prenuptial agreements among three age groups (20-30 years, 31-40 years, and 41-50 years);

2. To identify gender-based differences in perceptions of prenuptial agreements as tools for family law regulation;
3. To determine the primary factors influencing decisions to enter into a prenuptial agreement;
4. To develop recommendations for advancing the institution of prenuptial agreements, taking into account identified age and gender distinctions.

Main Hypotheses:

1. Statistically significant differences exist in attitudes towards prenuptial agreements between younger (20-30 years) and older (41-50 years) generations.
2. Women are more likely than men to support the idea of entering into a prenuptial agreement.
3. Education level, religious views, income, and geographical location influence attitudes towards prenuptial agreements.
4. Previous divorce experience increases interest in entering into a prenuptial agreement.

2. Materials and methods

2.1 Research Design

This study was conducted from January to December 2023 by the research group at Karaganda Buketov University, using a mixed-method approach that integrates quantitative and qualitative data collection and analysis techniques. This approach was selected to yield statistically significant data on attitudes toward prenuptial agreements while providing a deeper understanding of the underlying factors influencing these attitudes.

2.2 Sample

Target Population: Residents of the Republic of Kazakhstan aged 20-50.

Sampling Type: Multi-stage stratified sampling with quota selection in the final stage.

Sample Size: 1,000 respondents (margin of error $\pm 3.1\%$ at a 95% confidence level).

The sampling was conducted in three stages:

1. Territorial Stratification

- Northern and Central Kazakhstan (350 respondents)
- Southern Kazakhstan (400 respondents)
- Western and Eastern Kazakhstan (250 respondents)

2. Selection of Locations

- Large cities (population over 500,000)
- Medium-sized cities (population 100,000–500,000)
- Small towns (population up to 100,000)
- Rural areas (urban-to-rural ratio: 60:40)

3. Quota Selection Criteria:

- Age groups: 20-30 years (40%), 31-40 years (35%), 41-50 years (25%)
- Gender: Men (50%), Women (50%)
- Marital status: Married (60%), Single/Divorced (40%)

2.3 Qualitative phase

In-depth Interviews (n=30):

- Targeted sampling to maximize case variation.
- Equal distribution across age groups (10 participants per group).
- Gender balance (15 men, 15 women).
- Varied marital status (first marriage, remarriage, divorced, planning marriage).

Expert Interviews (n=15):

- Targeted selection based on professional experience.
- Participants included family law practitioners (7), notaries (4), family dispute mediators (2), and representatives of NGOs focused on family rights (2).

2.4 Data collection methods

Quantitative Phase

- A structured questionnaire comprising 16 questions organized into four sections:

1. Socio-demographic characteristics
2. Knowledge of prenuptial agreements
3. Attitudes towards prenuptial agreements
4. Personal experience and intentions

Qualitative Phase

1. **In-depth Interviews**

- Semi-structured format, lasting 60-90 minutes.
- Audio recordings transcribed for analysis.
- Key topics: personal experience, understanding of prenuptial agreements, attitudes, cultural context, and practical considerations.

2. **Expert Interviews**

- Semi-structured format, lasting 60-90 minutes.
- Audio recordings transcribed for analysis.
- Key topics: professional experience, legal and social perspectives, age-related aspects, barriers, and opportunities.

2.5 Data analysis methods

Quantitative Data

1. **Descriptive Statistics**

- Frequency distribution
- Median and quartiles
- Mode
- Contingency tables

2. **Group Difference Analysis**

- Mann-Whitney U test for comparing two independent groups (e.g., gender differences).
- Kruskal-Wallis test for comparing three or more independent groups (e.g., age group analysis).
- 3. **Association Analysis**
 - Spearman rank correlation coefficient for ordinal variables.
 - Chi-square test for categorical variables.
- 4. **Multivariate Analysis**
 - Logistic regression to identify factors influencing willingness to enter into a prenuptial agreement.

2.6 Qualitative data

1. **Thematic Analysis** (Braun & Clarke, 2006).
2. **Content Analysis** of open-ended questions.

2.7 Ethical Considerations

The study was conducted in compliance with ethical standards and received approval from the university's ethics committee. All participants provided informed consent, and data confidentiality was strictly maintained. Participants could withdraw from the study at any time without consequences.

2.8 Limitations

This study has several limitations that should be considered when interpreting results. The sample excludes respondents from remote rural areas and individuals over 50, and there is a slight bias towards the urban population. Additionally, expert interviews were conducted primarily with professionals from large cities, potentially limiting insights into other regions.

2.9 Research Procedure

1. **Preparatory Stage (January-February 2023):**
 - Development of research instruments
 - Pilot testing (n=50)
 - Instrument refinement
2. **Field Stage (March-August 2023):**
 - Quantitative survey
 - In-depth interviews
 - Expert interviews
3. **Analytical Stage (September-December 2023):**
 - Quantitative data processing
 - Qualitative data analysis.

3. Results of the study

As shown in Table 1, a total of 1,000 respondents participated in the study, with a slight majority of women (51.3%). The largest age group was 20-

30 years (39.2%). The majority of participants held higher education degrees (40.5%) and were in their first marriage (44.7%).

Table 1. Socio-demographic characteristics of respondents

Characteristic	n	%
Gender		
Men	487	48.7
Women	513	51.3
Age Groups		
20-30 years	392	39.2
31-40 years	358	35.8
41-50 years	250	25.0
Education		
Secondary	163	16.3
Secondary vocational	228	22.8
Incomplete higher education	171	17.1
Higher education	405	40.5
Academic degree	33	3.3
Marital Status		
Never married	278	27.8
In first marriage	447	44.7
In remarriage	154	15.4
Divorced	103	10.3
Widowed	18	1.8
Place of Residence		
City of republican significance	342	34.2
City of regional significance	257	25.7
District-level town	203	20.3
Rural settlements	198	19.8

An analysis of differences between age groups (Table 2) revealed statistically significant differences across all studied parameters.

Table 2. Attitudes towards prenuptial agreements across age groups

Statement	20-30 years	31-40 years	41-50 years	H	p-value
A prenuptial agreement protects the rights of both spouses	4.2 (3.8-4.6)	3.8 (3.4-4.2)	3.2 (2.8-3.6)	24.6	<0.001

A prenuptial agreement undermines trust between spouses	2.4 (2.0-2.8)	3.1 (2.7-3.5)	3.8 (3.4-4.2)	18.3	<0.001
Entering into a prenuptial agreement is a rational approach to marriage	4.1 (3.7-4.5)	3.6 (3.2-4.0)	2.9 (2.5-3.3)	22.1	<0.001
Willingness to sign a prenuptial agreement (%)	67.3	46.2	29.4	19.8	<0.001

Note: Data are presented as median (interquartile range)

Young respondents (20-30 years) demonstrate a more positive attitude toward prenuptial agreements compared to older respondents. The most significant difference is observed in the perception of prenuptial agreements as a tool for protecting spousal rights ($H = 24.6, p < 0.001$).

Table 3. Gender differences in attitudes towards prenuptial agreements

Measure	Men (n=487)	Women (n=513)	U	p-value
Willingness to sign a prenuptial agreement	3.2 (2.8-3.6)	3.9 (3.5-4.3)	98452	<0.001
Perception of a prenuptial agreement as a protective measure	3.4 (3.0-3.8)	4.1 (3.7-4.5)	87634	<0.001
Intention to sign a prenuptial agreement in remarriage	3.1 (2.7-3.5)	4.2 (3.8-4.6)	76543	<0.001
Importance of financial security in marriage	3.5 (3.1-3.9)	4.3 (3.9-4.7)	82341	<0.001
Impact of prenuptial	3.8 (3.4-4.2)	3.1 (2.7-3.5)	94567	<0.001

agreement on trust between partners				
View of prenuptial agreements as a Western practice	3.9 (3.5-4.3)	3.4 (3.0-3.8)	88976	<0.001

Note: Data are presented as median (interquartile range)

As shown in Table 3, women exhibit a significantly higher willingness to sign a prenuptial agreement and rate its role in protecting spousal rights more positively.

Gender differences are particularly pronounced in the importance assigned to financial security in marriage and the intention to enter into a prenuptial agreement in cases of remarriage.

Correlation analysis (Table 4) identified the following relationships based on Cheddock's scale:

Table 4. Correlation matrix of key variables (spearman's correlation coefficient)

Variables	1	2	3	4	5	6
1. Age	1.00					
2. Education level	-0.12*	1.00				
3. Income	0.24**	0.45**	1.00			
4. Religiosity	0.31**	-0.18*	-0.09	1.00		
5. Willingness to sign a prenuptial agreement	-0.38**	0.42**	0.35**	-0.29**	1.00	
6. Divorce experience	0.25**	0.08	0.11*	-0.15*	0.33**	1.00

Note: * $p < 0.05$; ** $p < 0.01$; BD = prenuptial agreement

- Moderate negative correlation between age and willingness to sign a prenuptial agreement ($r_s = -0.38$).
- Moderate positive correlation between education level and willingness to sign a prenuptial agreement ($r_s = 0.42$).
- Moderate positive correlation between income and education level ($r_s = 0.45$).
- Weak negative correlation between religiosity and willingness to sign a prenuptial agreement ($r_s = -0.29$).
- Weak positive correlation between divorce experience and willingness to sign a prenuptial agreement ($r_s = 0.33$).

Other correlations were weak or very weak ($r_s < 0.3$), indicating that attitudes towards prenuptial agreements are shaped by multiple factors, none of which are individually decisive.

Data analysis in Table 5 reveals a significant relationship between marital status and willingness to sign a prenuptial agreement ($\chi^2 = 58.94$, $p < 0.001$).

Table 5. Influence of marital status on willingness to sign a prenuptial agreement

Marital Status	Willing to Sign	Not Willing to Sign	Undecided	Total
Never married	142 (51.1%)	98 (35.3%)	38 (13.6%)	278
In first marriage	167 (37.4%)	243 (54.3%)	37 (8.3%)	447
In remarriage	89 (57.8%)	48 (31.2%)	17 (11.0%)	154
Divorced	67 (65.0%)	27 (26.2%)	9 (8.8%)	103
Widowed	6 (33.3%)	9 (50.0%)	3 (16.7%)	18
Total	471	425	104	1000

$\chi^2 = 58.94$, $df = 8$, $p < 0.001$

The highest willingness to sign a prenuptial agreement is observed among divorced respondents (65.0%) and those in remarriages (57.8%). Notably, individuals who have never been married also show a relatively high level of willingness (51.1%). Conversely, respondents in their first marriage display the lowest willingness to enter into a prenuptial agreement, with over half (54.3%) unwilling to sign one.

As seen in Table 6, a statistically significant relationship exists between education level and attitudes towards prenuptial agreements ($\chi^2 = 42.31$, $p < 0.001$).

Table 6. Relationship between education level and attitude towards prenuptial agreements

Education Level	Positive	Neutral	Negative	Total
Secondary	52 (31.9%)	67 (41.1%)	44 (27.0%)	163
Secondary vocational	79 (34.6%)	98 (43.0%)	51 (22.4%)	228
Incomplete higher	78 (45.6%)	63 (36.8%)	30 (17.6%)	171
Higher education	198 (48.9%)	147 (36.3%)	60 (14.8%)	405
Academic degree	19 (57.6%)	11 (33.3%)	3 (9.1%)	33
Total	426	**		

There is a clear trend indicating a decreasing willingness to enter into a prenuptial agreement as the size of the settlement decreases. In cities of national significance, more than half of the respondents (54.7%) expressed readiness to sign a prenuptial agreement, while in rural areas, this figure drops

to only 39.9%. An opposite trend is observed regarding unwillingness to enter into a prenuptial agreement, which ranges from 35.4% in large cities to 54.5% in rural areas. Interestingly, the proportion of respondents who found it difficult to answer varies from 5.6% in rural areas to 14.0% in cities of regional significance.

The qualitative phase of the study included in-depth interviews with 30 respondents and 15 expert interviews. The purpose of the in-depth interviews was to uncover personal experiences, motivations, and barriers related to prenuptial agreements. Expert interviews aimed to provide insights into current trends and future prospects for the development of prenuptial agreements in Kazakhstan. All interviews were recorded with the participants' consent, transcribed, and analyzed using thematic analysis.

As shown in Table 7, the most frequently discussed topics were the protection of property rights (mentioned 47 times by 25 respondents) and conflicts with traditional values.

Table 7. Key Themes identified in in-depth interviews (n=30)

Theme	Frequency of Mentions	Number of Respondents	Key Discussion Aspects
Protection of Property Rights	47	25	<ul style="list-style-type: none"> - Protection of business assets - Preservation of personal property - Ensuring financial independence - Protecting children's inheritance from a previous marriage
Conflict with Traditions	43	22	<ul style="list-style-type: none"> - Contradiction with religious norms - Incompatibility with family values - Disapproval from the older generation - Cultural barriers
Influence of Western Culture	31	14	<ul style="list-style-type: none"> - Viewed as a foreign practice - Conflict with local traditions - Influence of foreign media - Experience of living abroad

Distrust of Partner	28	12	<ul style="list-style-type: none"> - Fear of losing assets in divorce - Negative experiences of acquaintances - Doubts about partner's financial responsibility - Concerns over partner's debts
Practical Necessity	25	11	<ul style="list-style-type: none"> - Protection of rights in business dealings - Clear allocation of responsibilities - Prevention of conflicts - Planning for a shared future

This reflects the strong influence of traditional values and cultural norms on attitudes toward prenuptial agreements in Kazakhstani society. The issue of partner mistrust was mentioned much less frequently (40.0%) and predominantly within the context of general reflections rather than personal experiences, which is characteristic of a culture where open discussion of such matters is often considered inappropriate.

It is also noteworthy that the same respondents frequently addressed multiple themes, demonstrating a holistic view of the issue. Interestingly, the topic of property rights protection was raised more often by respondents with higher education and entrepreneurial experience.

The following quotes from respondents illustrate these perspectives: "For me, a prenuptial agreement is not about mistrust, but about responsibility and respect for my partner" (female, 28 years old, entrepreneur). "In our culture, discussing a prenuptial agreement can ruin a relationship even before the wedding" (male, 45 years old, civil servant).

Based on the analysis of expert interviews, several key trends in the development of the prenuptial agreement institution in Kazakhstan can be identified (Table 8).

Table 8. Analysis of expert assessments (n=15)

Thematic Area	Key Observations	Expert Quotes	Practical Recommendations
Legal Aspects	<ul style="list-style-type: none"> - Inadequate legislative framework - Difficulties in contract enforcement - Limited 	"The current legal framework does not meet modern family needs" (lawyer, 15 years of	<ul style="list-style-type: none"> - Amend legislation - Develop standardized contract templates - Establish mechanisms to protect rights

	scope of regulation - Challenges in defining future property regimes	experience) "There is a need to broaden the scope of prenuptial agreements" (notary, 20 years of experience)	
Social Barriers	- Cultural stereotypes - Lack of awareness - Reluctance to discuss financial matters - Influence of the older generation	"Young people are more open to discussing financial matters" (mediator) "We often encounter resistance from parents" (lawyer)	- Educational initiatives - Targeted outreach to young people - Information campaigns
Economic Factors	- High cost of services - Lack of assets among young couples - Increasing contracts in business environments - Impact of economic instability	"Entrepreneurs are the main clients" (notary) "Economic instability increases interest in contracts" (lawyer)	- Reduce service costs - Government subsidies - Benefits for young families
Gender Aspects	- Women are more likely to initiate contracts - Differences in priorities between men and women - Issue of economic	"Women are more interested in protecting their rights" (NGO representative) "Prenuptial agreements can help prevent economic	- Gender-sensitive counseling - Protection for vulnerable groups - Violence prevention initiatives

	abuse - Protection of homemakers' rights	abuse" (mediator)	
Regional Specifics	- Urban-rural differences - Influence of local traditions - Accessibility of legal assistance - Information gap	"People in rural areas are less aware of their rights" (lawyer) "Traditions strongly impact attitudes toward agreements" (notary)	- Develop regional infrastructure - Consider local specifics - Mobile consultations in rural areas
Development Prospects	- Growing interest among young people - Impact of digitalization - Changing public opinion - Influence of international practices	"The younger generation is more pragmatic" (lawyer) "Electronic contracts should be implemented" (notary)	- Digitalization of services - International collaboration - Legislative modernization

The analysis also highlighted several important observations from experts' practical experience:

1. Changes in Client Profile

- "Over the past five years, the number of requests from couples under 30 has noticeably increased" (notary, 12 years of experience).
- "In my practice, around 60% of requests in the past year have come from young couples planning to marry" (lawyer, 15 years of experience).
- "Young clients often come well-prepared, having researched prenuptial agreements in advance" (mediator).

2. Practical Challenges in Applying Legislation

- "Existing regulations restrict the scope of spousal rights protection" (lawyer, 20 years of experience).
- "We frequently encounter issues in defining the future property of spouses" (notary).
- "Contract enforcement is hindered by gaps in the legislation" (legal consultant).

3. Regional Variations in Requests

- "In our regional center, the number of prenuptial agreements is three times lower than in the capital" (notary).
- "In 2023, there were no requests from rural areas" (lawyer from a district center).
- "Most of our clients are urban residents with higher education" (legal consultation).

4. Gender Characteristics of Requests

- "In 70% of cases, women initiate the prenuptial agreement process" (notary).
- "Women entrepreneurs make up the majority of our clients" (lawyer).
- "Women frequently seek consultation after experiencing an unsuccessful first marriage" (mediator).

5. Motivations for Seeking a Prenuptial Agreement

- "The primary reason for requests is the protection of business assets" (family law lawyer).
- "There has been an increase in requests from couples where both partners have high incomes" (notary).
- "People often seek prenuptial agreements after witnessing negative divorce experiences among acquaintances" (mediator).

These observations reflect the practical insights of experts in their professional activities and may serve as a foundation for further exploration of prenuptial agreement trends in Kazakhstan.

The experts also provided several practical recommendations for advancing the institution of prenuptial agreements, which could be beneficial in shaping public policy in this area.

During the study, four main hypotheses were tested using a variety of statistical methods: the Kruskal-Wallis test for comparing multiple independent groups, the Mann-Whitney U test for comparing two independent samples, the Spearman rank correlation coefficient for evaluating relationships between variables, and the chi-square test for analyzing relationships among categorical variables. This combination of analysis methods allowed for a comprehensive evaluation of the hypotheses and yielded reliable results.

1. The hypothesis regarding age differences was confirmed:

- Statistically significant differences were identified between age groups ($H = 24.6, p < 0.001$).
- A moderate negative correlation was found between age and willingness to enter into a prenuptial agreement ($r_s = -0.38, p < 0.01$).
- These findings are supported by contingency table analysis, which shows significant differences in attitudes toward prenuptial agreements across age groups ($\chi^2 = 58.94, p < 0.001$).

2. The hypothesis regarding gender differences was confirmed:

- Women demonstrate a higher willingness to enter into a prenuptial agreement ($U = 98452, p < 0.001$).

- Qualitative analysis further supports differences in motivations and approaches between men and women.

3. The hypothesis regarding the influence of socio-economic factors was confirmed:

- A moderate positive relationship was found between education level and willingness to enter into a prenuptial agreement ($r_s = 0.42, p < 0.01$).

- A moderate relationship with income level was observed ($r_s = 0.35, p < 0.01$).

- A weak negative relationship with religiosity was identified ($r_s = -0.29, p < 0.01$).

- Contingency table analysis confirms a significant relationship between education level and attitudes toward prenuptial agreements ($\chi^2 = 42.31, p < 0.001$).

- A significant relationship was also found between place of residence and willingness to enter into a prenuptial agreement ($\chi^2 = 39.76, p < 0.001$).

4. The hypothesis regarding the influence of divorce experience was confirmed:

- A weak positive correlation was found between divorce experience and willingness to enter into a prenuptial agreement ($r_s = 0.33, p < 0.01$).

- Contingency table analysis revealed significant differences in willingness to enter into a prenuptial agreement based on marital status ($\chi^2 = 58.94, p < 0.001$), with divorced respondents and those in a second marriage showing the highest readiness to enter into a prenuptial agreement (65.0% and 57.8%, respectively).

4. Discussion

This study identified a range of factors influencing attitudes towards prenuptial agreements in contemporary Kazakhstan. The findings confirm certain theoretical assumptions while also highlighting specific characteristics unique to Kazakhstani society.

The implementation of prenuptial agreements in Kazakhstan is deeply intertwined with traditional gender norms. As discussed by Mekebaeva (2018), gender roles in Kazakhstan, which are heavily influenced by patriarchal social structures, may affect how men and women perceive legal agreements that are typically associated with individual autonomy (Mekebaeva, 2018). This presents a significant challenge in integrating prenuptial agreements into legal practices, where societal expectations about marriage and family life dominate.

While Kazakhstan has made significant strides in incorporating gender equality into its legal framework, as seen in the work of Kireyeva and Kenzhegulova (2021), the socio-cultural realities continue to resist these changes. Despite the recognition of gender equality in government and legal reforms, deeply embedded cultural and social norms still limit women's ability to negotiate prenuptial agreements independently.

As highlighted by Buribayev et al. (2019), gender inequality in Kazakhstan's labor market reflects broader societal issues regarding gender

roles and legal inequalities. This same unequal gendered experience may also be seen in the legal practices surrounding prenuptial agreements, where women may face barriers in asserting their rights due to both cultural expectations and legal limitations (Buribayev et al., 2019)

The obtained results support the findings of Tjiptono et al. (2020), which noted a more pragmatic approach among the younger generation toward marital and family relations. Young respondents (ages 20-30) demonstrated a significantly higher willingness to enter into a prenuptial agreement (67.3%) compared to older age groups (29.4%). This aligns with a global trend of increased rationalization of marital relations among younger people, as observed in studies by Petrova (2022).

It is noteworthy, however, that the level of support for prenuptial agreements among young people in the study is substantially higher than in similar studies conducted in Russia, where the figure is around 25.5% (Rudchik, 2019). This discrepancy may stem from the more intensive modernization of family relations in Kazakhstan and the strong influence of Western behavioral models on the younger generation, as noted in the study by Dugarova (2016).

The data on gender differences aligns with findings from the study by Thompson (2018), which showed that women are more inclined to view a prenuptial agreement as a means of economic security (Thompson, 2018). In our study, women demonstrated a higher willingness to enter into a prenuptial agreement and assessed its role in protecting spousal rights more positively. This trend is characteristic not only of developing countries but also of established legal systems (Nutz et al., 2022).

The correlation between education level and attitude toward prenuptial agreements ($r_s = 0.42$) aligns with international research by Nutz et al. (2022) and Frémeaux & Leturcq (2018).

The role of cultural factors identified in the obtained study is particularly notable. Unlike Western studies by McAtamney (2015) and Ruiu & Breschi (2017), which primarily focus on legal and economic dimensions, in Kazakhstan, conflict with traditional values emerged as the second most significant factor. This supports Roche's observations on the unique transformation of family law in Central Asia (Roche, 2017).

Findings also align with the research of Blair-Stanek (2014) and Ahmad (2009) on the impact of divorce experience on attitudes toward prenuptial agreements. However, the correlation identified in this study ($r_s = 0.33$) was weaker than that reported in Western studies, possibly due to the stronger influence of cultural factors within Kazakhstani society.

The study revealed a pronounced effect of urbanization; respondents in major cities demonstrated a significantly higher willingness to enter into a prenuptial agreement (54.7%) compared to those in rural areas (39.9%). The regional differences in attitudes toward prenuptial agreements observed in this study add to the findings of Badayeva and Lashina (2015) and Mikhailova (2021), demonstrating significant distinctions between urban and rural areas. This is particularly relevant for the development of the prenuptial agreement

institution in Kazakhstan, given the substantial proportion of the rural population.

The study's findings have important practical implications for advancing the institution of prenuptial agreements in Kazakhstan:

1. The need for a differentiated approach to the legal regulation of marital relations in urban and rural areas.
2. The importance of considering cultural and religious contexts when promoting prenuptial agreements.
3. The need for specialized legal education programs tailored to gender and age groups.
4. The necessity of developing mechanisms within prenuptial agreements to protect against economic abuse.

5. Limitations and directions for future research

The limitations of this study are related to the insufficient coverage of remote rural areas and the absence of a longitudinal analysis of changing attitudes toward prenuptial agreements. Future research could focus on:

1. Examining the influence of ethnicity on attitudes toward prenuptial agreements;
2. Analyzing the role of religious leaders in shaping attitudes toward prenuptial agreements;
3. Investigating the practice of prenuptial agreements in interethnic marriages;
4. Conducting a comparative analysis of prenuptial agreements across various regions in Central Asia.

References

- Ahmad, A. (2009). Gender differences and trends in the participation of Malaysians in education: Implications on employment outcomes. *International Journal of Knowledge Management Studies*, 4(2), 65-74.
- Alsemgeest, L., & Grobbelaar, C. (2015). Spouses' views of gender roles: Financial management in marriage. *Journal of Economic and Financial Sciences*, 8(3), a125. doi:10.4102/jef.v8i3.125
- Badaeva, N. V., & Lashina, M. V. (2015). Dogovornyy rezhim imushchestva suprugov v stranakh YEAES (na primere Rossii, Belorussii i Kazakhstana) [Contract regime of spousal property in states of Eurasian economic union (on the example of Russia, Belarus and Kazakhstan)]. *VSU Bulletin. Series: Jurisprudence*, 4(29), 175-180.
- Baskynbayeva, N., Massalimova, A., Omirbekova, A., Kuderina, A., & Abikenov, Z. (2024). Trends in the transformation of gender stereotypes: Representation of women's image in the modern media space of Kazakhstan. *Changing Societies & Personalities*, 8(2), 443-464. doi:10.15826/csp.2024.8.2.282

- Bekkozhiba, G. (n.d.). *Brachnyy dogovor ne sprovotsiruyet razvod* [Marriage contract will not provoke divorce]. Retrieved from https://online.zakon.kz/Document/?doc_id=30448376&pos=6;-106#pos=6;-106
- Blair-Stanek, A. (2014). Defaults and choices in the marriage contract: How to increase autonomy, encourage discussion, and circumvent constitutional constraints. *Touro Law Review*, 24(1), 33-72.
- Braun, V., & Clarke, V. (2006). Using thematic analysis in psychology. *Qualitative Research in Psychology*, 3(2), 77-101. doi:10.1191/1478088706qp063oa
- Buribaev, E. A., & Khamzina, Z. (2019). Gender equality in employment: The experience of Kazakhstan. *International Journal of Discrimination and the Law*, 19(2), 110-124. <https://doi.org/10.1177/1358229119846784>
- Cremer, H., Pestieau, P., & Roeder, K. (2015). United but (un)equal: Human capital, probability of divorce, and the marriage contract. *Journal of Population Economics*, 28(1), 195-217.
- Dugarova, E. (2016). *The family in a new social contract: The case of Russia, Kazakhstan and Mongolia*. UNRISD Research Paper 2016–1, February 2016. Geneva: United Nations Research Institute for Social Development.
- Frémeaux, N., & Leturcq, M. (2018). Prenuptial agreements and matrimonial property regimes in France, 1855-2010. *Explorations in Economic History*, 68, 132-142. doi:10.1016/j.eeh.2017.10.004
- Galindo Ayuda, F. (2024). Algorithms, sociology of law and justice. *Journal of Digital Technologies and Law*, 2(1), 34-45. doi:10.21202/jdtl.2024.3
- Igissinova, A., Kossymova, G. & Mamyrkhanova, Z. (2024). Gender stereotype: the features of development and functioning in the Kazakh language. *Lodz Papers in Pragmatics*. <https://doi.org/10.1515/lpp-2024-0007>
- Jamanbalayeva, S., Burova, E., & Tlenchiyeva, S. (2024). The impact of religious self-identification on happiness and well-being: A case study of Kazakhstan. *Changing Societies & Personalities*, 8(3), 592-610. doi:10.15826/csp.2024.8.3.290
- Janguzhiyev, M., Zhapekova, G., Zhaxygaliyev, Z., Smagulov, D., & Zhubanyshov, B. (2023). Confessional religious education reforms and its impact on Muslim identity in Kazakhstan: 1860-1917. *European Journal of Science and Theology*, 19(6), 29-41.
- Karimova, D., Baitenova, N., Alimova, M., Abdullaeva, M., Ernazarov, O., & Alidjanova, L. (2022). The concept of "Child" and its historical and legal description. *Cuestiones Políticas*, 40(74), 863-879. doi:10.46398/cuestpol.4074.48
- Klyukovskaya, I., Belashova, Ye., Borisova, O., Kardanova, A., & Odegnal, E. (2023). Development of the legal consciousness of Russian youth from early 20th century to early 21st century: A historical and legal study. *Revista Relações Internacionais do Mundo Atual*, 2(40), 1-13.

- Kuttygalieva, A., Khamzina, Z., Zhaxymbetov, B., Tileubergenov, Y., & Buribayev, Y. (2024). Integrating global norms for gender equity in Kazakhstan: Aligning workplace and social security legislation with sustainable development goals. *Journal of Lifestyle and SDGs Review*, 4(4), e02531. doi:10.47172/2965-730X.SDGsReview.v4.n04.pe02531
- Marysheva, N. I., & Muratova, O. V. (2014). Brachnyy dogovor v mezhdunarodnom chastnom prave: pravovoye regulirovaniye v Rossii i YES [Marriage contract in private international law: Legal regulation in Russia and in the EU]. *Journal of Russian Law*, 6(210), 101-111.
- McAtamney, M. (2015). *Balancing fairness and predictability: An analysis of proposed modifications to standards regarding the enforcement of prenuptial agreements*. Michigan State University College of Law.
- Mikhailova, I. A. (2021). Dogovornoye regulirovaniye otnosheniy mezhdu suprugami v zarubezhnom i otechestvennom zakonodatel'stve: genezis, transformatsiya i perspektivy razvitiya [Contractual regulation of relations between spouses under foreign and domestic legislation: Genesis, transformation and development prospects]. *Lex Russica*, 74(5), 38-51.
- Ministry of Justice of the Republic of Kazakhstan. (2012). *On the approval of the rules for notarial actions by notaries* (Order No. 31). Adilet Legal Information System. <https://adilet.zan.kz/rus/docs/V1200007447>
- Nutz, T., Nelles, A., & Lersch, P. M. (2022). Who opts out? The customisation of marriage in the German matrimonial property regime. *European Journal of Population*, 38(5), 353-375. doi:10.1007/s10680-022-09613-8
- Petrova, N. D. (2022). Vektory razvitiya semeynogo prava gosudarstv postsovetskogo prostranstva: Traditsii i innovatsii [Family law development vectors of post-soviet states: Traditions and innovations]. *Obrazovaniye i pravo*, 5, 164-168. doi:10.24412/2076-1503-2022-5-164-168
- Petrova, N. D. (2023). Problema preyemstvennosti printsipov i norm semeynogo prava v gosudarstvakh - Chlenakh Yevraziyskogo ekonomicheskogo soyuza [The problem of continuity of principles and norms of family law in the member states of the Eurasian Economic Union]. *Education and Law*, 6, 15-20. doi:10.24412/2076-1503-2023-6-15-20
- Rakhmetulin, A., Abdrasulov, Y., & Abdrasulova, A. (2023). Impact of constitutionalization on the legal culture, national norms, and international relations in Kazakhstan. *Journal of Law and Sustainable Development*, 11(11), e1329. doi:10.55908/sdgs.v11i11.1329
- Kireyeva, A. A., Kenzhegulova, G., & Rajkhan, O. (2021). Gender equality and women participation in government: The case of Kazakhstan. *The Economy Strategy and Practice*, 16(2), 197-205. <https://doi.org/10.51176/1997-9967-2021-2-197-205>

- Mekebaeva, M. A. (2018). On the research of gender problems in Kazakhstan. *Қазақ мемлекеттік қыздар педагогикалық университетінің Хабаршысы*, 1(73), 108.
- Roche, S. (2017). The family in Central Asia: New research perspectives. In Roche, S. (Ed.), *The family in Central Asia: New research perspectives* (pp. 7-38). Berlin: Klaus Schwarz Verlag.
- Rudchik, A. A. (2019). K voprosu o brachnom dogovore v zakonodatel'stve Rossii i SNG [To the issue of the marriage contract in the legislation of Russia and the CIS]. *Bulletin of Science and Practice*, 5(1), 288-296. doi:10.5281/zenodo.2539772
- Ruiu, G., & Breschi, M. (2017). Let's talk about love: An analysis of the religious and economic factors determining the choice of marital property regime in Italy. *Demographic Research*, 36, 851-862. doi:10.4054/DemRes.2017.36.29
- Sergeeva, A. A., Pryalukhina, A. V., & Tuzova, O. N. (2019). Sotsial'no-psikhologicheskiye faktory, opredelyayushchiye otnosheniye rossiyan k brachnomu dogovoru [Socio-psychological factors determining the attitude of Russians to the marriage contract]. *Obshchestvo. Integratsiya. Obrazovaniye*, 7, 122-132.
- Sheremeteva, A., Dreval, L., Kalacheva, T., Makharadze, N., Fadeeva, A., & Parfenov, K. (2024). Opportunities for using alternative methods of protecting civil rights to improve the efficiency of dispute resolution and the functioning of legal proceedings. *Revista relações internacionais do Mundo Atual*, 2(44), 290-302.
- Stjepanovic, B. M. (2024). Harmonization of family law in the EU with special reference to the marriage contract. *Balkan Social Science Review*, 23, 149. doi:10.46763/BSSR242323147s
- Thompson, S. (2018). Feminist relational contract theory: A new model for family property agreements. *Journal of Law and Society*, 45(4), 617-645. doi:10.1111/jols.12132
- Tjiptono, F., Khan, G., Yeong, E. S., & Kunchambo, V. (2020). Generation Z in Malaysia: The four 'E' generation. In *The new generation Z in Asia: Dynamics, differences, digitalisation* (pp. 149-163). Bingley: Emerald Group Publishing Limited. doi:10.1108/978-1-80043-220-820201015
- Volkov, A., Gistseva, A., Rysnyanskaya, N., Kravchenko, N. Kovalev, V., & Bobryshov, S. (2024). Main directions for developing the legal literacy of the Russian youth in the digital space: Problems and solutions. *Revista Jurídica*, 2(78), 512-522.
- Zein, A., Mahmudiono, T., Alhussainy, A. A., Zainal, A. G., Akhmadeev, R., Kosov, M., Sabit, Sh. H., Meshkova, G. V., & Suksatan, W. (2022). Investigating the effect of Islamic values on citizenship behaviours of Muslim citizens. *HTS Teologiese Studies/Theological Studies*, 78(4), a7334. doi:10.4102/hts.v78i4.7334
- Zhubandykova, L., Borchashvili, I., & Tulegalieva, Zh. (2024). Combating domestic violence: Developing legislative and socio-organizational

measures to protect women in Kazakhstan. *Balkan Social Science Review*, 23(23), 213-234. doi:10.46763/BSSR242323213z

Zhunossova, T. B. (2022). Influence of legal traditions and legal culture on the institution of marriage contracts and the possibility of its improvement: The experience of Kazakhstan. *Academic Journal of Interdisciplinary Studies*, 11(5), 51-61. doi:10.36941/ajis-2022-0124

Appendix 1

Survey Questionnaire

"Attitudes Toward Prenuptial Agreements in the Republic of Kazakhstan"

Block 1. Socio-Demographic Characteristics

1. Please indicate your gender:
 - Male
 - Female
2. How old are you? _____ (please specify in years)
3. What is your marital status?
 - Never married
 - In first marriage
 - In remarriage
 - Divorced
 - Widowed
4. What is your education level?
 - Secondary
 - Secondary vocational
 - Incomplete higher education
 - Higher education
 - Academic degree
5. Place of residence:
 - City of national significance
 - City of regional significance
 - District-level town
 - Settlements and rural areas
6. Please indicate your approximate monthly household income (including all sources of additional income, subsidies, etc.):
 - Up to 200,000 KZT
 - 200,001 - 400,000 KZT
 - 400,001 - 600,000 KZT
 - 600,001 - 800,000 KZT
 - Over 800,000 KZT
7. How important is religion in your life?
 - Very important
 - Rather important
 - Rather unimportant
 - Not important at all
8. Which religion do you identify with?
 - Islam
 - Orthodoxy
 - Other (specify)
 - No religious affiliation

Block 2. Knowledge of Prenuptial Agreements

9. Are you familiar with the concept of a prenuptial agreement?
 - Yes, well-informed

- I have a general understanding
 - I have heard of it
 - Hearing about it for the first time
10. Where did you learn about prenuptial agreements? (multiple options allowed)
- Media, Internet
 - Friends/relatives
 - Lawyers
 - Personal experience
 - Other (specify) _____

Block 3. Attitudes toward Prenuptial Agreements

11. Please indicate your level of agreement with the following statements: (1 - strongly disagree, 5 - strongly agree)

- A prenuptial agreement protects the rights of both spouses
- A prenuptial agreement undermines trust between spouses
- Entering into a prenuptial agreement is a rational approach to marriage
- A prenuptial agreement contradicts traditional family values
- A prenuptial agreement is necessary when there is a significant income difference between spouses

- A prenuptial agreement complicates family relationships
- Entering into a prenuptial agreement reflects uncertainty in a partner

12. In your opinion, in which cases is a prenuptial agreement most justified? (multiple options allowed)

- In remarriage
- When owning a business
- With a large income difference
- When owning expensive assets
- In marriage with a foreign national
- Always justified
- Never justified

13. Would you personally be willing to sign a prenuptial agreement?

- Definitely yes
- Probably yes
- Probably no
- Definitely no
- Unsure

Block 4. Personal Experience and Intentions

14. Do you currently have a prenuptial agreement?

- Yes
- No
- Planning to sign one

15. If you are planning to marry, are you considering a prenuptial agreement?

- Definitely yes
- Probably yes
- Probably no
- Definitely no

- Unsure
16. What factors could influence your decision to sign a prenuptial agreement? (open-ended question)

Appendix 2

In-Depth Interview Guide

Introduction

- Introduction of the interviewer
- Explanation of research objectives
- Obtaining consent for audio recording

Main Discussion Topics

1. Personal Experience with Marital and Family Relationships

- Tell me about your family life experience.
- How are financial matters handled in your family?
- Did you discuss property issues with your partner before marriage?

2. Understanding of Prenuptial Agreements

- What do you know about prenuptial agreements?
- How did you learn about this concept?
- What terms can be included in a prenuptial agreement?

3. Personal Attitude Toward Prenuptial Agreements

- What is your attitude towards the idea of a prenuptial agreement?
- What influenced this attitude?
- What advantages and disadvantages do you see?
- How do your religious beliefs affect your attitude toward prenuptial agreements?
- How has your attitude toward prenuptial agreements changed after divorce? (for divorced individuals)

4. Cultural Context

- How are prenuptial agreements perceived in your social circle?
- Do you personally know people who signed a prenuptial agreement, and what did they tell you about their reasons?
- Do traditions influence attitudes toward prenuptial agreements?
- How has the perception of prenuptial agreements changed in recent years?

5. Practical Aspects

- Have you considered signing a prenuptial agreement?
- What factors might influence your decision?
- What barriers exist for signing a prenuptial agreement?

Conclusion

- Additional comments from the respondent
- Thank you for participating