**Source**

In accordance with Articles 10, 2, 358 of the Commercial Code dated October 27, 2013 the Government **DECIDES**:

**Article 6. Legality**

      When considering and resolving civil cases, the court should strictly comply with the requirements of the Constitution of the Republic of Kazakhstan, constitutional laws of the Republic of Kazakhstan, this Code, other regulatory legal acts, and international treaties of the Republic of Kazakhstan to be applied.

      2. The courts are not entitled to apply laws and other regulatory legal acts that prejudice the rights and liberties of an individual and a citizen enshrined in the Constitution. If the court finds that any law or other regulatory legal act to be applied infringes upon the rights and liberties of an individual and a citizen enshrined in the Constitution, it should suspend the proceedings and apply to the Constitutional Council of the Republic of Kazakhstan with a request to rule the act unconstitutional. Upon receipt of the final decision of the Constitutional Council by the court, the proceedings shall be resumed.

      3. If the court, when considering and resolving a case, finds that any act issued by any governmental or other body does not comply with the law or has been issued in excess of powers, it shall apply the provisions of the law.

      4. In the absence of provisions of law governing the disputed legal relationship, the court shall apply the provisions of law governing similar relationships, and in the absence of such provisions it shall resolve the dispute based on the general principles and meaning of the legislation of the Republic of Kazakhstan.

      5. If the law or agreement between the disputing parties prescribes the resolution of relevant issues by the court, the latter should resolve these issues based on the criteria of fairness and reasonableness.

**Article 176.**

**Conversion in possession or embezzlement of entrusted another’s property**

1. Conversion in possession or embezzlement, that is, theft of another's property entrusted to the offender

shall be punished with a fine in the amount of two hundred to five hundred monthly calculation indices or in the amount of the salary or other income of the convicted person for a period from two to five months, or by community services for a period of one hundred twenty to one hundred eighty hours, or by corrective work for up to two years, or by arrest for up to six months, or by imprisonment for up to three years.