**Original**

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

**Article 6.  Legitimacy**

      1. During considering and mediation of civil cases, Court must respect the requirements of the Constitution of Republic of Kazakhstan, the constitutional laws of Republic of Kazakhstan, the present Code, other regulations, implemented international treaties of Republic of Kazakhstan.

      2. The Courts are not entitled to apply laws and other regulatory legal acts that infringe the rights and freedoms of a person and citizen enshrined in the Constitution. If the court finds that a law or other regulatory legal act to be applied infringes upon the rights and freedoms of an individual and citizen enshrined in the Constitution, he is obliged to suspend the proceedings and apply to the Constitutional Council of the Republic of Kazakhstan with a view to declare this act unconstitutional. Upon the court’s receipt of the final decision of the Constitutional Council, the proceedings are resumed.

      3. Establishing by the court the inconsistency of an act of a state or other body with the law or issuing it in excess of powers, while considering and resolving a case applies the norms of the law.

      4. In case of the absence of rules of law governing the controversial relationship, the court applies the rules of law governing similar relationships, and in the absence of such rules resolves the dispute based on the general principles and meaning of the legislation of the Republic of Kazakhstan.

      5. If by the law or by agreement of the parties to the dispute provides for the resolution of relevant issues by the court, the court is obliged to resolve these issues based on the criteria of fairness and reasonableness.

**Article 176.**

**Assignment or waste of entrusted property.**

1. Assignment or waste, that is, the theft of another's property entrusted to the guilty -

is punished with a fine in the amount from two hundred to five hundred monthly calculation indices or in the amount of the salary or other income of the convict for a period of two to five months, or by engaging in public works for a period of one hundred twenty to one hundred eighty hours, or correctional labor for up to two years, or arrest for up to six months, or imprisonment for up to three years.