**Source**

In accordance with Articles No 10, 2, 358 of the Entrepreneurial Code of 27 November 2013 the Government **DECREES**:

**Article 6. Legality**

      1. The court when implementing civil proceedings shall observe requirements of the Constitution of the Republic of Kazakhstan, сonstitutional laws, the present Code, other regulatory legal acts, applicable international treaties ratified by the Republic of Kazakhstan.

      2. Courts shall not apply laws and other regulatory legal acts which infringe human and civil rights and freedoms set forth in the Constitution. If the court sees that an applicable law or other regulatory legal act infringes constitutional rights and freedoms of citizens, it shall stop legal proceedings and shall apply to the Constitutional Council of the Republic of Kazakhstan to recognize that law as unconstitutional. Upon obtaining a final decision from the Constitutional Council legal proceedings shall resume by a court.

      3. Should a court establish when considering a case that a legal act of a State or other body does not comply with law or has been issued with an excessive degree of power, it shall take a decision in accordance with the law.

      4. In the absence of rules of law that regulate ambiguous legal relationship, a court shall apply rules of law that regulate similar relations, and in the absence of such rules of law a court shall decide a dispute applying general principles and meaning of the legislation of the Republic of Kazakhstan.

      5. In case a law or agreement between parties to a dispute stipulates legal proceedings in a court, a court shall settle these matters based on fairness and common sense criteria.

**Article 176.**

**Misappropriation or embezzlement of property assigned**

1. Misappropriation or embezzlement of property assigned to a perpetrator

shall be punishable by a fine of between two hundred to five hundred monthly indices or in the amount of a monthly wage or other income of a perpetrator during a period of two to five months, or application of the community service penalty for the period of between one hundred and twenty to one hundred and eighty hours, or correctional labour for up to two years, up to six months of arrest or imprisonment for up to three years.