**Source**

In accordance with articles 10, 2, 358 of the Entrepreneurship code dated October 27, 2013 the Government **DECREES**:

**Article 6. Legality**

      1. In hearing and resolving civil cases, the court must stand on the requirements of the Constitution of the Republic of Kazakhstan, constitutional laws of the Republic of Kazakhstan, this Code, other legislative acts subject to application of international treaties of the Republic of Kazakhstan.

      2. Courts do not possess the right to apply laws and other legislative acts, restricting civil and human rights and freedoms, enshrined in the Constitution. If the court believes any law or any other legislative act, due to be applied, to be restricting the civil and human rights and freedoms enshrined in the Constitution, it must suspend the proceedings and address a communication to the Constitutional Council of the Republic of Kazakhstan on invalidation of this act on constitutional grounds. After the court receives the end decision of the Constitutional Council the proceedings are to be renewed.

      3. The court, having established a lack of conformity of the act of a state or other organ to a law or its enactment ultra vires when hearing and resolving the case, applies the norms of law.

      4. In case of absence of legal norms regulating a disputed legal matter, the court applies legal norms regulating matching legal matters, and in the absence of such norms resolves the dispute based on general principles and gist of the legislation of the Republic of Kazakhstan.

      5. If the law or an agreement of disputants provides for resolving the corresponding issues carried out by the court, the court must resolve such issues based on the criteria of fairness and reasonableness.

**Article 176.**

**Plunder or misapplication of consigned property of another person**

1. Plunder or misapplication, thus theft of property of another person consigned to the defaulter,-

is punished with a fine ranging from two hundred to five hundred monthly calculated standard units or corresponding to the wage or any other income of the convicted defendant over the period of two to five months, or with incurred community service for one hundred twenty to one hundred eighty hours, or correctional labor for up to two years, or arrest for up to six months, or confinement for up to three years.