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SPECIFICS OF LEGAL SOURCES DURING THE PERIOD OF THE MONGOLIAN PEOPLE'S REPUBLIC

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Abstract. The concepts of legal sources have been studied quite a lot by Mongolian scientists and researchers and recorded in the "State-Legal Theories" and other legal literatures of our country. For example, academician S. Narangerel determined that "The concept of the source of law is one of the key issues of jurisprudence. Its significance lies, firstly, in the fact that the multifaceted conditions of social life determine the content of legal norms, secondly, the content of legal norms is formed by legal concepts and legal consciousness, and thirdly, this concept of a source of law is used as a guide in resolving any disputes". In legal literature, the term "Legal source" is expressed² in two meanings: "Legal material source" and "Source of legal form".

Keywords: legal source, Socialist Constitution, Representative.

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Main part. Among our practicing lawyers, particularly a considerable part of judges, it is quite common to understand and apply legal sources only at the level of specialized law and its official interpretation, or in a narrow scope. In fact, the legal sources should be used in comparison with all types and articles¹. Such as this, an experienced scholar of legal theory in our country has keenly observed that there was a lack of theoretical and methodological specialized research on legal sources.

In order to study legal sources in Mongolia, it is formal to analyze the situation of the country from a historical point of view.

During the years of the Mongolian People's Republic, only the Marxist-Leninist state and legal theory was followed in the development and application of legal norms. This theory was also applied in legal research and training. For example, B. Chimid, a famous scholar of Mongolian jurisprudence, once noted that one of the theoretical and methodological bases for studying administrative law is the Marxist-Leninist general theory² of state law. He further stated that "Marx's doctrine on the state is a deep philosophical conception of the world and a evaluation of experience from the

¹ Modern issues of legal orientalism. Ulaanbaatar City. 2012. P. 98–99.

² Administrative legislation of the Mongolian People's Republic. General classification, Ulaanbaatar City., 2021 (1973). P. 38, Chimed. B.

perspective of rich historical knowledge¹," wrote V. I. Lenin. Therefore, the legal theory is the result of the creative application of Marxist dialectic principles to the understanding of these social phenomena. Compared to Marxist philosophy, the general theory of state law is a specific science grounded on its findings. However, compared to affiliate legal science, it is a general science that studies the most common problems of public law. It uses Marxist-Leninist philosophy as the basis of its theory and methodology, studies the general pattern of state and legal development in a class society, and then develops principles, conclusions, and categories to manage the entire branch of legal science. Because of this, the theory of public law has universal significance² as an indicator to the theoretical and methodological basis for studying a specific branch of law.

Socialist legislation was considered to be a complex of behavioral (normative) procedures established or approved by the socialist state, expressed in the form of laws and other legal acts of the working masses, headed by the working class. Socialist legislation is considered⁷ to be the declaration of the will of the slave-driving class and the weapon of exploitation of the masses from other historical forms of law, for the first time in history, it was the expression of the will of the previously exploited class and all the workers, and the weapon to destroy the root cause of the slave-driving of people in any way.³

From the point of view of the Marxist-Leninist theory of state and legislation, the origin of law was understood as the expression of the will of the reigning class in various forms and the legalization of this will⁴. From this point of view, the term "origin of law" was considered conditional, in other words, the will of the ruling class will ultimately be determined by the material conditions of this class's life, and in reality, it is precisely such conditions that form the origin of law⁵.

Marxism-Leninism considers the spiritual life of society, social theory, political opinion, and it was taught that the source of formation of political organization to be the material conditions of social existence, social life, and the ideas, theories, and opinions that reflect these, rather than ideas, theories, opinions, and political organizations⁶. For this reason, it was considered essential to take into account the previously mentioned conditional meaning of the term "legal source"⁷.

It was believed that the law would play the pivotal role in the legal system of socialist countries. It was considered that such a main role of law in the system of legal sources "is interpreted⁸ in a truly democratic way of socialist law".

The laws of a socialist country express the will of the people. It is ascribed that it will have an active influence on the social foundation and consciousness, which is creative and constructive, and will implement the successful establishment of socialism. In the "Concise Dictionary of Legal Knowledge" published in 1986, the

¹ Scripts. Vol. 25. P. 424. Lenin. V. I.

² Same script. P. 38–39.

³ Legal Dictionary. Vol. 1. Moscow., 1956, P. 425.

⁴ Same script. P. 411.

⁵ Same script. P. 412.

⁶ Same script.

⁷ Same script

⁸ Same script.

source of law is defined as "a specific form of expression of legal norms regulating social relations. Legal norms are expressed in the form of legal acts. It includes¹³ laws of the Mongolian People's Republic (constitutional law, common laws), resolutions of the Great People's Assembly, decrees and resolutions of the Heads of the Great People's Assembly, resolutions and decrees of the Cabinet of Ministers, orders and resolutions of ministries and state committees, and special departments (rules and instructions adopted by them), resolutions of Assembly of local People's Deputies, executive administrative resolutions and decisions, orders and ordinances approved by the authorities of factories, offices, and organizations, as well as acts jointly approved by the state and public organization¹.

The Socialist Constitution is considered to be the core of the country, which expresses the will of the working class and all workers, the system of organization and operation of society, state structures and government organizations, principles, budget approval and reporting procedures, the fundamental rights and obligations of citizens, and the strengthening of the electoral system. The constitutions of socialist countries were considered the most democratic. The main basis of the Socialist Constitution consists of the principle of socialism, which strengthens socialist property in the means of production and abolishes the oppression and exploitation of people.

The law was considered to be a normative act with the supreme legal power, aimed at establishing, strengthening, and further developing procedures that are useful and beneficial to workers. It was believed that all other legal acts should be approved on the basis of strict compliance with the law and its implementation. Socialist law has the material basis of socialist production relations, and the objective economic law is seen as a tool to be used by the socialist state for the benefit of the working masses.

The decree of the People's Great Khural of the Mongolian People's Republic was the pivotal source of socialist law. Many of the decrees contained common provisions applicable to various branches of law.

The resolution of the Council of Ministers of the Mongolian People's Republic, which is the supreme executive body of the MPR, was considered a legal act, in other words, subject to the law, it had the right to make new legal norms based on the relevant laws and regulations. In specifically important cases, the Central Committee of the Mongolian People's Revolutionary Party and the Council of Ministers of the Mongolian People's Republic issued joint resolutions, and in these legal sources, along with legal norms, party directives were also important.

The orders, decrees, rules, and instructions issued within the scope of the authority of the central administrative body of the Mongolian People's Republic, such as the ministers and heads of ministries, special departments, committees and commissions of the MPR, were considered legal sources if they contained general rules. Besides, the common regulations issued by the People's Deputies' Congress and executive administrations of provinces, cities, soums, districts, and local community towns within their powers were the source of law. Acts of the ministers and chiefs of the State Committee must be issued in order to implement them based on the complying laws

¹ Concise lexicon of legal knowledge / J. Amarsanaa, L. Baasan, N. Baatarjav [et al.]. Ulaanbaatar City, 1986. P. 102–103.

and decrees, as well as the resolutions and orders of the Council of Ministers of the MPR. The Local People's Deputies' Congress must make its executive administrative acts within the scope of the powers granted to them by law. Under the conditions of the socialist state, judicial norms were not considered as sources of law.

Acts issued by the Council of Ministers of the Republic of Mongolia and some central state administration organizations¹ in cooperation with public central organizations were considered legal sources. For example, the legal act issued jointly with the Central Council of the Mongolian Trade Union, the Central Committee of the Mongolian Revolutionary Youth Union, and the Central Council of the Federation of Agricultural Unions referred to as legal sources.

It was mentioned earlier that socialist law was expressed in acts recognized by the state. However, decisions made by public organizations on internal issues according to their own rules were not considered a source of law. However, the basic conditions for considering the act issued by a public organization as a legal source were defined as follows:

First, if the norms established by public organizations are later approved by appropriate government organizations;

Second, if the government has approved the issuance of a legal act in advance relevant to the implementation of some of the functions of a government organization. For example, the comprehensive charter of the Agricultural Cooperative Union of the MPR was established by the General Assembly of the Federation of Agricultural Cooperatives and then approved by the Council of Ministers of the MPR².

Analyzing the above mentioned article, during the period of the Mongolian People's Republic, legal sub-acts, especially acts approved by the central public organization with the approval of the state, were considered as legal sources.

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¹For example: State Committee on Labor and Welfare and Ministry of Agriculture.

² Compendium of laws, regulations and decrees of the People's Republic of Mongolia, 1967, No.5-8; Compendium of laws, decrees and decrees of the People's Republic of Mongolia 1973, No. 8

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**ОСОБЕННОСТИ ИСТОЧНИКОВ ПРАВА
В ПЕРИОД МОНГОЛЬСКОЙ НАРОДНОЙ РЕСПУБЛИКИ**

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Аннотация. Монгольскими учеными и исследователями довольно много раз были изучены понятия о юридических источниках и зафиксированы в «Государственно-правовых теориях» и других юридических литературах нашей страны. Например, академик С. Нарангэрэл определил, что «Понятие источника права является одним из ключевых вопросов юриспруденции. Его значение состоит, *во-первых*, в том, что многогранные условия общественной жизни обуславливают содержание правовых норм, *во-вторых*, содержание правовых норм формируют правовые понятия и правосознание, *в-третьих*, это понятие источника права применяется в качестве руководства при разрешении любых споров»¹.

В юридических литературах термин «Правовой источник» выражается² в двух значениях: «Юридический материальный источник» и «Источник юридической формы»².

Ключевые слова: юридический источник, Социалистическая Конституция, представитель.

¹ Narangerel S. Ensuring the integrity of the legal system of Mongolia — Present and future of the legal sector: problems and solutions. Digest of the scientific conference. "Rule of Law and Issues" magazine 2021/Special issue, page 18.

² Jean-Louis Bergel General Theory of Law. Translated from French by G. V. Churshukov. Moscow, 2000. P. 97.

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