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Mongolia's land ownership challenges

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Abstract- Although the Constitution guarantees the right of Mongolian citizens to own land, the lack of legal protections in other laws has led to the issuance of legal acts and regulations that fail to ensure proper legal procedures. As a result, the legal framework to regulate this issue remains insufficient. This study aims to analyze and clarify these shortcomings. Also, this article conducts constitutional restrictions in Mongolia, particularly regarding the availability of land resources for private ownership and the separate registration systems for land and immovable property. It compares these aspects with foreign legal systems to identify key challenges citizens face in owning land today.

Keywords: Land privatization, Land ownership, Possession and use rights

1. INTRODUCTION

The 1992 Constitution of Mongolia guaranteed human rights, a market economy, and a democratic state system, and for the first time, recognized private property, including the right of citizens to own land. This decision was made through extensive debate and negotiation, attracting significant criticism and controversy. Revisiting how this decision was made is not only interesting but also crucial for understanding the implementation of the law. The process of granting land ownership to citizens and conducting land privatization, known as land reform,

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officially began in 2003 and continues to this day. As a result, many citizens have acquired privately owned land, improving their livelihood security.

However, several legal and practical challenges have emerged in the process of land ownership for citizens of Mongolia. Due to cautious government policies, land privatization has stagnated, and land ownership rights have been restricted for usage purposes, limiting citizens' freedom to manage and dispose of their land. Additionally, cases of compulsory expropriation of privately owned land have undermined the security of land ownership rights.

According to the Law on Allocation of Land to Mongolian Citizens, land can be allocated for "family needs" and economic purposes. However, the government's reluctance to allocate land for economic activities is inconsistent with current needs, restricting citizens' opportunities to engage in business and services on their land.

Although land has been recognized as an essential component of immovable property under the Civil Code, the registration system continues to separately register land and the immovable property on it. This practice diminishes the fundamental value of land ownership rights. Furthermore, there is an ongoing need to harmonize the legal regulations of land and the immovable property on it across different sectoral laws. This study adopts John Locke's theoretical framework, which identifies the rights to life, liberty, and property as natural rights inherently granted to individuals by nature. These fundamental rights serve as the guiding principles for the research's theoretical and methodological approach.

The existing legal framework governing land ownership for Mongolian citizens enables an assessment of its implementation and the extent to which individuals can effectively exercise their land ownership rights. However, this issue also raises concerns related to national sovereignty and security, highlighting the need for a critical examination of traditional conceptions and evolving perspectives on land ownership.

In Mongolia, the current approach to land tenure involves allocating a limited and viable portion of land for private ownership while maintaining the majority of the territory under state ownership. Based on a comparative legal analysis of these pressing issues, this article aims to propose recommendations for improving and refining land-related legislation. It seeks to identify potential solutions to enhance the land ownership system in Mongolia, accelerate the process of granting land ownership to citizens, expand the scope of land ownership rights for family use, and strengthen legal guarantees for land tenure security.

2. SECURING CITIZENS' LAND OWNERSHIP RIGHTS AND IMPLEMENTING LAND PRIVATIZATION IN MONGOLIA

2.1. Establishment of the Legal Environment for Land Ownership in Mongolia

In 1992, Mongolia transitioned from a centrally planned economy to a market economy, bringing significant social and economic changes to the country. On December 6, 1990, the People's Great Khural of the Mongolian People's Republic (MPR) amended Article 59 of the 1963 Civil Code of Mongolia, allowing for public, private, and mixed forms of ownership. This amendment created the conditions for land to enter civil circulation by specifying in the second sentence of Article 62 that immovable property includes land and buildings. Article 92 of the Civil Code granted Mongolian citizens the right to private ownership, while Article 93 allowed for land,

means of production, other property, and intellectual values to be privately owned [1]. This was the first legal recognition of private ownership, paving the way for all types of property to develop freely.

On October 4, 1990, the State Baga Khural established a 20-member commission composed of representatives from multiple political parties to draft a new Constitution. This commission was led by President P. Ochirbat, with prominent legal expert B. Chimid serving as its secretary. Between 1990 and 1992, the draft was discussed four times by the State Little Khural, publicly debated for three months, and deliberated for over 70 days by the People's Great Khural.

To resolve issues related to land ownership and immovable property, the United Nations sent four experts (from India, Saudi Arabia, the USA, and France) who provided consultations for two months. Additionally, international scholars from Germany, the USA, Japan, Canada, India, and more than 40 other countries participated in two academic conferences, offering essential support and guidance.

In July 1991, a national academic conference titled "Constitutional Draft: Development Trends" was organized, involving members of the State Little Khural, the People's Great Khural, legal experts, and researchers. The draft was also translated into English and sent to international scholars and legal experts, including Amnesty International, Charles Fried, Professor Martin Shapiro, R. Grodin, and Louis Fisher, to gather feedback on each provision.

For example, Professor Louis Fisher from the USA commented on Article 6 of the draft, stating that "it is unclear who exactly can own land... it seems like the state owns the land and leases it to individuals." Charles Fried noted that the provision allowing "only Mongolian citizens to own land" was problematic, questioning what would happen if a foreigner wished to own a private house in the capital city [2].

The draft also stipulated (in Article 16.3) that the confiscation or requisition of private property should be regulated by law, protecting individuals from arbitrary actions by the administration. However, experts warned that if the law violated these rights or if no law was enacted, citizens might not be able to exercise these rights.

The commission responsible for drafting the Constitution improved the draft based on recommendations from the two national and international conferences, input from international organizations, foreign and domestic experts, and public discussions. The revised draft was then submitted to the State Baga Khural [3].

During the deliberation of the draft Constitution, on October 10-11, 1991, a proposal stating that "the state may grant land ownership to citizens of Mongolia" was put to a vote in the State Little Khural and received majority support, laying the foundation for land ownership rights [4].

Throughout the drafting process, numerous public comments were received on whether land should be privately owned. Only "23 people supported private ownership, while 4,426 favored state ownership." A study conducted by the "Academy of State and Social Studies" in Selenge, Uvurkhangai, Uvs provinces, Ulaanbaatar, and Darkhan revealed that "15 out of every 100 respondents supported private ownership, while 56 favored state ownership of land"[5].

Although donor organizations initially supported the land privatization policy in the Constitution, most Mongolian citizens opposed it, as noted in a research report [6].

On January 2, 1992, the People's Great Khural approved a provision with 68% support stating that "except for pastures, public-use areas, and land for special state needs, land may be privately owned only by citizens of the Republic of Mongolia. This does not apply to subsoil

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resources. It is prohibited to transfer privately owned land to foreign citizens or stateless persons through sale, exchange, gift, or mortgage, and to allow others to use or possess it without the authorization of a competent state authority" [7].

The Constitution of Mongolia recognized private ownership and ensured equitable and fair distribution of subsoil resources to all citizens, allowing land ownership exclusively for Mongolian citizens for specific purposes. It also stipulated that ownership rights could be legally restricted, thereby recognizing the natural human right to own property as a fundamental economic right in a market economy.

Throughout Mongolia's 2000-year history as a state, land was first owned by the king and then by the state, with citizens never having private ownership. It was only with the 1992 Constitution that citizens were granted the right to own land.

2.2. Regulation of Land Ownership rights by other laws

Article 76 of the 1994 Civil Code states that an owner has the full right to possess, use, and dispose of their property within the framework of the law. It also specifies that immovable property includes land and things inseparable from the land, and land rights are registered by state authorities. Additionally, Article 103.1 stipulates that a citizen can acquire the right to possess state-owned land for life according to legal grounds and procedures, including the right to inherit this possession [8]. Article 4 of the 1994 Land Law specified that a special law would regulate the relationship of granting land ownership to citizens of Mongolia.

Article 101.1 of the 2002 Civil Code states, "An owner has the right to freely possess, use, and dispose of their property at their discretion within the limits established by law, without violating the rights granted to others by law or contract, and to protect their property from any infringement." Article 102.1 further provides that "All land, except for that owned by citizens of Mongolia, shall be state property." These provisions reaffirmed the right of citizens to own land [9]. The enactment of the Law on Allocation of Land to Mongolian Citizens in 2002 created the necessary conditions for the effective exercise of land ownership rights by citizens. Under this law, every citizen of Mongolia is entitled to receive land once, free of charge, for family needs. For example, citizens can own up to 0.07 hectares of land along state roads connecting the capital city with provincial centers (excluding soum centers). Due to amendments made in 2005, 2008, 2012, and 2018 to the Law on Allocation of Land to Mongolian Citizens and its accompanying regulations, the opportunity to acquire land ownership remains open until 2028 [10].

2.3. The Process of Allocating Land Ownership to Citizens and the Status of Land Resources

In line with the principles of the Constitution, the issue of land privatization was discussed in political circles for many years and began to materialize in 2003 by initially granting land for collective family use. Following the Constitutional Court's decision, on May 1, 2008, the opportunity was opened to allocate land ownership to each citizen rather than to families. As a result of this legal change, land previously allocated to families was transferred to one member of the family, while other members were given the right to receive land ownership once, free of charge, as stipulated by law [10].

Ulaanbaatar, the capital city, which covers an area of 470.4 square kilometers with 3 satellite districts and 6 central districts, has transferred 90% of its land to private ownership. Due to the scarcity of land resources, the allocation of land ownership rights has been suspended indefinitely. As of April 2023, a total of 11,056 hectares of land have been allocated to 207,723 citizens through 254 resolutions issued by the Mayor of Ulaanbaatar [12]. According to the Law on Allocation of Land to Mongolian Citizens, as of the end of 2023, a total of 723,515 citizens nationwide have been granted ownership rights to 71,000 hectares of land in cumulative terms. As of the end of 2023, the total number of landowners, possessors, and users nationwide is 1,233,706 (Table 1).

Table 1. The Scope and Proportion of Land Ownership, Possession and Use rights (2023)

Purpose	Number	Area	Proportion of total land area (%)
For family needs	723515	71 (thousand ha)	0.06
Possession	599,845	7.6 (million ha)	5.5
Use	7795	722 (thousand ha)	0.55

Source: 2023 Land Unified Fund Report (Agency for Land Administration and Management, Geodesy and Cartography - ALAMGC)

Under the Law on Allocation of Land to Mongolian Citizens, by the end of 2023, a cumulative total of 71,000 hectares of land ownership rights were registered for 723,515 citizens nationwide, representing 20.6% of the population. This means approximately 80% of citizens have not obtained land ownership. Only 0.06% of the total land area is privately owned, while 99.94% remains state property [13]. During the discussion of the draft law, it was estimated that 0.9% of the national territory could potentially be privatized to citizens [14]. It is evident that the amount of land to be privatized to citizens constitutes a small portion of the national territory.

From this, it can be concluded that only 20.6% of the total population has acquired land ownership, indicating a slow progress in land privatization. Initially, the government aimed to fully allocate land ownership to all citizens from 2003 to 2028, but as of now, approximately 80% of citizens have not acquired land ownership (Figure. 1).

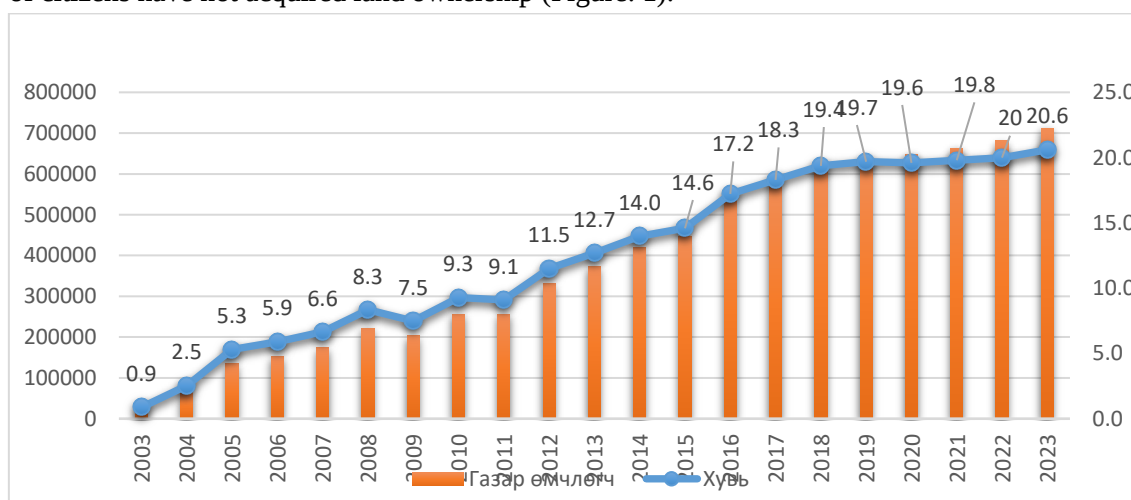


Figure.1 Comparison of Land Ownership Status with Population (2003–2023)

Source: 2023 Land Unified Fund Report (Agency for Land Administration and Management, Geodesy and Cartography - ALAMGC)

Additionally, the fact that only 0.06% of the total land area has been transferred to private ownership is relatively low. There is a need to further improve land-related legislation, accelerate the process of granting land ownership to Mongolian citizens, expand the scope of land ownership rights for family needs, and enhance legal safeguards.

3. CITIZENS' LAND OWNERSHIP RIGHTS AND THEIR LIMITATIONS

3.1. The Content of Land Ownership Rights

Land Ownership Rights: The principle of land ownership, particularly the notion that land includes its constituent parts, is believed to originate from the maxim “Solo cedit” and “quicquid solo plantatur,” meaning “whatever is attached to the soil belongs to the soil” [15]. In all countries, the concept of immovable property is primarily understood as “land.” Ownership rights are often perceived as extending “from the center of the earth to the infinite heights of the sky,” encompassing all things permanently connected to the land, such as buildings, minerals, and vegetation. However, in some countries, land does not include buildings or other man-made features [16]. This implies that when land is sold, everything attached to it transfers to the new owner.

Unlike movable property, whose ownership is determined by actual possession, land ownership is established through registration [17]. For land and immovable property, ownership is considered transferred only after the transaction is recorded in the land registry. The registration of immovable property and the determination of ownership based on this registration enhance the utility of land, expanding the owner’s ability to derive economic benefits without requiring physical possession.

Defining ownership based on land registry records aligns with the legal principle that “ownership must be transparent and certain” [18]. The dominant perspective is that immovable property refers only to the land itself, while structures, buildings, and other man-made objects are considered integral parts of the land.

According to *Black’s Law Dictionary*, the content of land ownership rights is defined as “the legal right to possess, use, and control a specific plot of land, including the right to transfer ownership to others” [19]. In a practical sense, since land itself cannot be transferred, only the ownership rights can be conveyed. The European Union’s policy guidelines on land state that “The system of rights to manage land is a highly complex issue, involving political, economic, technical, legal, and institutional factors. It inherently links wealth, power, and resources” [20], highlighting the intricate relationship between the state and its citizens.

Mongolian law, including the Civil Code and the Land Law, regulates three types of rights related to land: ownership, possession, and use.

Article 3.1.2 of the Land Law defines “to own land” means to be in legitimate control of land with the right to dispose of this land. Citizens can own land for two purposes: family needs and economic activities, as specified by the Law on Allocation of Land to Mongolian Citizens.

According to Article 4.1.1 of the Law on Allocation of Land to Mongolian Citizens, land for family needs is granted in the following sizes:

- Up to 0.07 hectares in the capital city;
- Up to 0.35 hectares in provincial centers;
- Up to 0.5 hectares in soum (district) centers;
- Up to 0.07 hectares along national highways connecting the capital with provincial centers (excluding soum centers) [21].

Article 3.1.3 of the Land Law defines land possession as holding land under one's control within the boundaries permitted by law and according to the purpose, conditions, and terms specified in a contract. Land possession is granted solely through certificates, issued to Mongolian citizens, businesses, and organizations. Each plot is assigned a separate certificate.

Article 30 of the Land Law allows citizens and legal entities to possess state-owned land for 15 to 60 years, with a one-time extension not exceeding 40 years. Upon expiration, the land reverts to state ownership. Although the exact nature of disputes that may arise when possession rights expire is uncertain, the implementation of property rights for immovable property after losing possession rights remains unclear. Possession rights can be transferred, mortgaged, or inherited, similar in scope to ownership rights. However, the state reserves the authority to impose land fees and to invalidate possession rights upon expiration.

Article 3.1.4 of the Land Law defines land use as utilizing one or more beneficial qualities of the land, under a contract made with the landowner or possessor and within legal limits. This form of usage resembles a lease agreement. Temporary usage is allowed for activities that leverage the specific features and advantages of the land, but the right to use cannot be transferred, mortgaged, or inherited [9].

According to Article 100.1 of the Civil Code: "Unless otherwise provided by law, the state, province, capital city, district, citizen, or legal entity can be an owner" [23]. Ownership includes the right to freely possess, use, manage, maintain, protect, and be responsible for the property within the legal limits, as well as the right to defend against any infringement.

Some Mongolian scholars define citizens' land ownership rights as limited rights, allowing citizens to control and manage land surfaces (with specific sizes depending on its intended purpose) and renewable natural resources under defined conditions, with accompanying obligations, rights, and responsibilities [24]. Additionally, land ownership rights are seen as inviolable rights to manage and control property under one's authority at one's discretion (except when fulfilling social responsibilities), and this inviolability must be respected by all other members of society without infringement [20].

From this, it can be seen that the right to own land includes the principle that anything attached to the land belongs to the land itself, extending from the earth's center to the infinitely high sky. When land is sold, anything attached to it is also transferred to the new owner. It involves the legal right to possess, use, and control a specific piece of land. In a practical sense, since the land itself cannot be transferred, only the ownership right is transferred.

An individual's right to own land is relatively limited in terms of duties, rights, and responsibilities. It is an inviolable right to manage and dispose of property under one's control at one's discretion (except when fulfilling obligations for the public interest). This right is relatively absolute in nature.

3.2. Legal restrictions on Land Ownership rights

In Mongolia, the constitutional principle that land, its subsoil, forests, water, animals, plants, and other natural resources are the property of the people and under state protection is interpreted as meaning that only the Mongolian people have authority over the land, and the state ensures its integrity [9].

Article 6.3 of the Constitution stipulates "Citizens are prohibited from transferring privately owned land to foreign citizens or stateless persons through sale, exchange, gift, or mortgage, and from allowing others to possess or use it without the approval of authorized state bodies.

This provision establishes three types of restrictions on land ownership:

- a. Landowners are not allowed to sell, gift, or mortgage their land to foreign citizens or stateless persons.
- b. Citizens cannot allow others to possess or use their land without the permission of authorized state bodies.
- c. Citizens cannot mortgage their privately owned land to foreign citizens or stateless persons.

Additionally, Article 6.1.1 of the Law on Allocation of Land to Mongolian Citizens specifies categories and locations of land that cannot be privately owned, including public land within urban, town, and settlement areas, pastures, land for special needs, forest and water resources, and land for roads and utility networks [27].

Article 102.1 of the Civil Code states that all land not privately owned by citizens is state property, and Article 102.2 specifies that landowners must not cause environmental harm or violate the rights and legitimate interests of others. These provisions impose obligations on landowners, effectively limiting their rights [28].

Although ownership rights can be restricted under certain conditions, such restrictions should not affect the essential content of the right to own and exercise property. Dr. Lundendorj argues that, theoretically, the right to own property is an inalienable natural human right and should not be restricted by permission [29]. Dr. D. Yanjinkhorloo suggests that the law on land ownership for citizens should be limited to transferring land ownership to citizens without further restrictions [30]. Dr. N. Bayarmaa believes that if citizens transfer the use of their privately owned land to others based on contractual rights, administrative approval is generally not required [31]. However, if the land is transferred as a type of property right, state approval should be mandatory. Dr. B. Ulaanbaatar considers the restrictions on the owner's right to freely manage and dispose of their property to be excessive [32]. It is advisable to review these legal restrictions on citizens' land ownership rights in Mongolia and amend the Constitution and other legal regulations to better safeguard the principle of inviolability of property rights.

4. SEPARATE REGISTRATION OF LAND AND REAL PROPERTY

4.1. Regulation under the Civil Code of Mongolia

Article 84, Section 3 of the Civil Code of Mongolia includes land and "items that cannot be used as intended once separated from the land" under real property. Furthermore, Article 85.1 states that "in cases specified by law, real property may be a separate object of civil legal relations." These provisions do not provide a clear answer to the question of whether land and buildings should be considered together as real property, or whether they can be separately classified as real property. Traditionally, buildings can be considered separate real property, and they are still registered separately in the state registry today. In other words, either land or buildings can be registered as separate real property. From the perspective of the general principles of the 2002 Civil Code, a building cannot be registered separately without the land, except in cases specified by law. In such cases, the building can be a separate object of legal relations and thus eligible for separate registration in the state registry.

The Law on the Registration of Real Property in Mongolia was adopted in 1997, initially allowing the registration of housing ownership rights by the State Registration Office. Based on this example, today, residential buildings, offices, and buildings for commercial purposes can be registered separately in the state registry, and certificates of real property ownership are issued.

As a result of this registration, a separate real property right for buildings, distinct from the land, is created for residential and other buildings. This deviates from the general principle in the Civil Code, which stipulates that immovable property should remain tied to the land. The failure to clearly regulate how to separate and register land from buildings has led to the loss of the integrity of private land registration and some legal provisions not being properly implemented. For instance, Citizen E was living on a non-real estate structure built on their 0.07-hectare land. In the loan agreement with Bank H, E had pledged the land ownership rights as collateral. However, due to failure to repay the loan on time, the bank decided to proceed with a public auction to fulfill the loan agreement's requirements by selling the land. As a result, the land was purchased by Citizen C at the auction. One year later, Citizen C filed a claim demanding that E and their family vacate the land and demolish the house, thereby clearing the property. E and their family disagreed with the claim, asserting that while the land now belonged to C, the house was their property, and therefore, C had no right to demand its demolition or removal.

For example, Article 10, Section 1 of the Law on State Registration of Property Rights states "The registration of the ownership rights of real property in the state registry for the first time shall be based on the land parcel number, and one personal file shall be created for each parcel of land.

The rights to the real property shall be registered as a single entry along with the land rights for that parcel. However, the registration of land ownership rights and the ownership rights to the buildings on that land are being recorded separately by the state registry. This creates a situation where the landowner and the building owner may be different people. This diminishes the significance of land ownership rights and creates a concept of real property rights that consists of land and buildings at separate and equal levels.

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Going forward, Mongolia must decide whether to continue registering land and buildings separately or to combine them into a single registration. To explore potential solutions to this issue, let's compare the legal frameworks of Germany and Japan.

4.2. Legal regulation of Germany and Japan

Land Registration (Title System). This registration is called the "land book" (Grundbuch in German) and serves as proof of ownership, with the state guaranteeing its validity. The registration is overseen by a specific court, with land registry judges (Grundbuchrichter) responsible for ensuring the legal and factual accuracy and completeness of the records. Private notaries and lawyers provide the necessary services to prepare documents for submission to the court, with the state and the private sector being divided [33].

In Germany, land is defined as "a section of land registered in the land register under a unique number, regardless of the nature or components of the land" [34]. The main idea behind this registration is to allow the owner of real estate to exercise their ultimate rights over the property. The ownership of land is not limited by time for the landowner. According to Section 94 of the German Civil Code, land and immovable items permanently affixed to the land are understood as part of the basic components of real estate. Buildings, for example, are considered inseparable from the land, and Section 93 further specifies that objects forming part of the land cannot be separate legal entities [35]. This principle ensures that any rights related to the land are inseparable from the land itself. However, in cases where specific legal regulations apply, separate rights may arise. For example, under the Law on Public Housing Ownership, the right to own residential property is registered separately from the land, recognizing the property as a distinct immovable asset.

The system of property registration in Germany was established by the 1897 Land Registration Act. The land register consists of three sections: 1) the previous and current owners of the land and buildings; 2) rights associated with the land (such as building rights, servitudes, usufructs, etc.); and 3) secured rights related to the land and their priorities [36]. Thus, the land register records not only ownership rights but also rights to use the land within limits, such as mortgage rights, as well as other secured rights related to the land.

In contrast, in Japan, land and the buildings on it are registered separately. Article 86 of the Civil Code of Japan stipulates that "land and things permanently attached to it are real property." Article 242 further specifies that "the owner of real property is the owner of its constituent elements," but "this does not apply to the rights of another person who legally owns those elements" [37]. This provision allows others, aside from the landowner, to possess the land and its attached buildings separately if they have legal ownership rights.

The law on real property registration in Japan elaborates on this concept. The registration follows the principle of registering each real property object separately, such as land and buildings. After recording the external appearance of each object, any changes in the rights related to the property are also registered. The national registration system consists of two parts: the surface section, where "external appearance and form" are recorded, detailing the differences between types of real property (e.g., land and buildings), boundary lines, and the structure of the buildings, as well as providing detailed information on the physical characteristics of the property.

The "rights registration" section records information related to the rights associated with the property, divided into two categories: changes related to ownership rights and other limited rights (such as servitude or trust) [38].

Japanese legal scholars ensure transparency and protect property rights by using a two-step registration process: form verification and content verification. This approach ensures that land and real property are registered separately, based on the provisions of the Civil Code, with detailed regulations and clarifications in the registration system. The Japanese system, while similar in some respects to Germany's, follows the principle of unity in registration under the Civil Code and emphasizes the need for material legal norms. Japan's real estate registration system, with its detailed procedural regulations and transparency, provides a robust foundation for protecting property rights and enhancing transaction efficiency.

Germany, Japan, and some other countries follow different principles for registering ownership rights of land and buildings. Some studies indicate that most countries favor registering land and buildings together under a unified system [39]. In such countries, land registration should be conducted alongside the registration of properties built upon it, ensuring a single, cohesive system for real property rights throughout the country [40]. This unified approach helps to ensure consistent development of the real estate sector under a single concept, preventing conflicts of interest and protecting the rights of property owners.

5. CONCLUSION

As of the end of 2023, under the Law on Granting Land Ownership Rights to Citizens of Mongolia, a total of 723,515 citizens were granted ownership rights to 72,000 hectares of land, accounting for 20.6% of the total population. However, approximately 80% of citizens do not own land. From this, it can be seen that only 0.06% of the total land area is privately owned, while 99.94% remains under state ownership. The area of land granted to citizens makes up only a small percentage of the total land area of Mongolia.

This indicates that the land allocated to citizens represents a minimal proportion of Mongolia's total land area. There are several reasons why the majority of citizens have not been able to obtain land ownership: 1) Politicians and some citizens have taken a cautious or oppositional stance regarding land ownership issues, which remains a major obstacle; 2) There is no available land for allocation within the urban and suburban areas of cities; 3) Issues arise with land acquisition for urban redevelopment and construction projects, especially when private landowners need to vacate their properties.

There is a need to cultivate a supportive attitude towards land ownership rights and to implement measures that allow citizens to acquire land in areas with available land resources.

Although citizens have the right to own land, there remain legal possibilities to limit this right, such as restricting the intended use of the land, limiting the ability to transfer or dispose of it freely, or forcibly evicting landowners from their private properties. By amending Article 6.3 of the Constitution to remove the word "others" and replace it with "Citizens will be prohibited from transferring, selling, trading, gifting, mortgaging, or transferring land to foreign citizens or stateless persons," the provisions in the Land Law and the Law on Granting Land Ownership

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Rights to Citizens of Mongolia that restrict the ownership rights of Mongolian citizens will be invalidated. Alternatively, although the Civil Code includes the principle of inviolability of property rights, the interpretation and application of constitutional provisions in accordance with the Constitution would allow for the correction of relevant provisions in other sectoral laws.

In Mongolia, land registration is managed separately by the authority responsible for land matters, while the real property on the land is registered by a separate state registration agency, which has attracted significant criticism. It would be more efficient for land registration and the registration of the properties built upon it to be managed together under a unified system of real property rights registration throughout the country. This approach would promote the coherent development of the real estate sector under one unified concept, avoid legal confusion, and prevent violations of property rights.

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