INTERNATIONAL JOURNAL FOR LEGAL RESEARCH AND ANALYSIS

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www.ijlra.com

ISSN: 2582-6433

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ISSN: 2582-6433

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ISSN: 2582-6433

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ISSN: 2582-6433

CERTAIN ISSUES IN THE IMPLEMENTATION OF MONGOLIA'S LABOR LEGISLATION

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Introduction

In the enactment, application, and enforcement of labor legislation, it is appropriate to adhere to the theory of legal sources. Within the framework of this theory, and in light of the specific characteristics of labor legislation, it is essential to define the rights and obligations of the parties and to examine certain issues of practical implementation within the scope of the right to work.

Keywords: theory of legal sources, fundamental norms, proportionality (reasonable balance), administrative normative acts, internal labor regulations, acts establishing labor law norms.

Contents

1. The Theory of Legal Sources and the Characteristics of Labor Legislation

As the number of laws in force increases, a judge, for instance, is required to consider multiple legal acts in resolving a single case or dispute. For example, in circumstances involving the termination of an employment contract concluded between a public law entity and a civil servant, it becomes necessary to examine the Law on Civil Service of Mongolia, the Labor Law of Mongolia, and other legislation related to occupational safety and labor protection. In certain cases, the Civil Code of Mongolia, as well as collective agreements between the parties, must also be taken into account. While some of these legal acts are enacted by the State Great Khural of Mongolia, others are adopted by the Government, and some are established through agreements between employers' associations and trade unions. In other words, even a single practical case may involve legal norms derived from multiple sources. In this regard, it is of fundamental importance in legal science to apply the theory of legal sources.

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Lawmakers should conduct their legislative activities in accordance with this theory, and law-appliers should be trained to interpret and apply legislation based on it. The primary function of this theory is to answer the question of which legal norms must necessarily be applied by a judge in making a decision, as well as to ensure the systematic organization of such norms according to their respective sources at the legislative level.[1] From this, the theory of legal sources can be understood as operating at three levels—namely, law-making, law implementation, and law application. In this regard, the significance of the theory is realized only when *labor legislation* is structured from general to more specific norms.[2] In general, the establishment of internal labor regulations that further specify and supplement the provisions of the Labor Law of Mongolia serves[3] as an important guarantee for ensuring employees' right to work and their legitimate interests.

Therefore, at the level of legal theory, the recognition of the unity of law remains merely an abstract ideal objective[4]. Nevertheless, it is argued that when both lawmakers and law-appliers strive to realize this ideal, gaps and conflicts within the law can be eliminated. In Mongolia, the fundamental norm regulating employment relations[5] is the Labor Law[6].

This fundamental norm is primarily aimed at ensuring a balanced protection of the parties' right to work and their respective interests. In employment relations, if the parties are considered as the employer and the employee, the law serving as the legal "rules of the game" is characterized by general or common regulation[7], which is directly related to the nature of the relations it governs. For instance, under Article 80.1.4 of the Labor Law of Mongolia, an

[1] **B. Buyankhishig,** *"Private Law: Theory and Methodology, Economic Analysis, and Comparative Study,"* in **Proceedings of Academic Articles and Conference Papers**, p. 8.
[2] Labor legislation may be classified into primary, secondary, and tertiary sources. In other words, primary sources include laws; secondary sources consist of normative acts adopted by the State Great Khural of Mongolia, the Government of Mongolia, and ministers; while tertiary sources refer to internal regulations adopted by organizations for compliance within their respective institutions. (Researcher)
[3] **N. Lkhundendorj,** *Law: Theory, Practice, and Information Series (Nos. 2–3)*, published by the Ministry of Justice and Home Affairs of Mongolia, 2007, p. 229.
[4] **Labor Law of Mongolia (2022),** Article 4.1.15.
[5] The Labor Law of Mongolia establishes the fundamental norms governing employment relations, which reflects the specific characteristics of the sector. At the same time, it is necessary for employers and employees to develop more detailed "rules of the game" related to employment through internal labor regulations, whether such regulations are expressly mandated by law or not.
[6] In Mongolia, the Labor Law of Mongolia was revised, and its updated version entered into force on January 1, 2022.
[7] In the Labor Law of Mongolia (2022), the presence of provisions such as "may be determined" (Article 91), "in accordance with" (Article 43), "ensure" (Article 35), "mutual agreement" (Article 4), "may be established" (Article 6), and "implement" (Article 21), among others, may be interpreted as indicating the necessity for the parties to further specify and supplement the regulation of employment relations.

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employer may terminate the employment relationship at their own initiative if the employee has repeatedly (two or more times) committed a breach of labor discipline, or has committed a serious violation specifically defined in the employment contract as grounds for immediate termination. From this, it is evident that it is not feasible to exhaustively list all relevant violations within the law itself. Instead, each employer, taking into account the nature and specific characteristics of their organization's activities, should define and detail what constitutes a "serious violation" in internal labor regulations and employment contracts. This approach is legally justified and appropriate.

Furthermore, Article 82.3 of the Labor Law of Mongolia provides that the amount of severance pay stipulated in Articles 82.1 and 82.2 may be increased by legislation, collective agreements, or collective bargaining agreements. This indicates that, although the law establishes specific provisions on severance pay upon termination of employment relations (Article 82), the parties may further regulate such matters through rules and procedures (e.g., collective agreements and other internal instruments) based on mutual agreement. In addition, the Labor Law is characterized by a greater emphasis on substantive regulation, while containing relatively limited procedural regulation. This suggests that employers and employees must necessarily clarify and develop procedural rules related to employment relations through their own arrangements.

From this perspective, it is important to clearly define provisions such as "sexual harassment is prohibited" including what constitutes such conduct, what liability applies if it occurs, which officials or committees are responsible for handling it, and how confidentiality is to be ensured. Likewise, where it is stated that "leave may be granted in accordance with relevant rules and regulations," it is essential to specify how this is to be implemented, to whom requests should be addressed, how many days in advance they should be submitted, and in what form, among other details. In the course of employment, if the general provisions of the Labor Law of Mongolia are not further specified, practical issues may arise. For instance, employees who are dismissed or released from employment on grounds other than those provided in Article 82 of the law may be unable to exercise their legal right to receive severance pay upon termination of employment relations. Therefore, it is appropriate for employers to further detail and supplement the fundamental norms of the Labor Law through internal regulations applicable within the organization, thereby providing employees with realistic and effective legal opportunities for the protection of their rights.

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Furthermore, it is important to note that employment relations are also specifically regulated by other laws and by specialized rules and regulations. In this sense, it may be considered that *labor legislation*[8] is composed of multiple sources. An individual norm is an act that applies a general legal norm in a specific manner. Accordingly, the objectives of the Labor Law of Mongolia can only be achieved when it is structured through norms that move from general to more specific regulation. The concepts of implementing and applying the law are distinct. At the level of law-implementing institutions, there is a significant responsibility to adhere to certain principles of application and thereby ensure the unity of the legal system. In this way, a relative notion of legal unity is established within a certain scope. This unity serves as a general foundation for both law-making and law-application activities and is closely connected to the theory of legal sources[9], which, although it may appear simple or even insignificant to lawyers at times, remains fundamentally important. The implementation of this legislation concerns both employers and employees. In relation to the Labor Law, an employer's attempt to implement it without adopting detailed internal norms is akin to trying to open a small lock with a large key. This inevitably leads to the emergence of both minor and major issues related to employment relations within the organization.

2. The Right to Work and Certain Issues in the Implementation and Application of Labor Legislation

"Labor" is the fundamental source of the human right to life. There has even been a doctrine asserting that labor created humankind. Even if not considered from a Darwinist perspective, it is now beyond dispute that human beings have both basic and non-basic needs, and that labor is the activity through which these needs are satisfied. Accordingly, labor has been defined as a conscious and goal-oriented human activity[10] aimed at satisfying individual and social needs[11], as well as a rational human activity involving the transformation and adaptation of natural objects and the production of goods to meet one's needsв[12] The

[8] It may be argued that Law (30%) + Normative Acts (70%) = Legislation (100%). The Law (30%), namely the Labor Law of Mongolia, provides the foundational regulation. Meanwhile, normative acts (70%) consist of: First, regulations, rules, and lists adopted in binding form for general application within labor law relations, such as resolutions of the State Great Khural of Mongolia, resolutions of the Government of Mongolia, and ministerial orders. Second, internal rules, procedures, lists, contracts, and similar instruments adopted by individual organizations for internal compliance, provided that they are consistent with the aforementioned laws and normative acts.

[9] **B. Buyankhishig,** *"Private Law: Theory and Methodology, Economic Analysis, and Comparative Study,"* in **Proceedings of Academic Articles and Conference Papers**, pp. 7-8.

[10] **"Labor."** *Encyclopedia of Sociology.*

[11] http://ru.wikipedia.org/wiki/

[12] **N. Lkhundendorj,** *The Constitution of Mongolia: (Scientific Commentary)*, Ulaanbaatar, 2022, p. 200.

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foundational concept of law is the notion of rights. On the one hand, a right serves as a measure of behavior for participants in social relations; on the other hand, it constitutes a legally recognized opportunity granted to individuals, officials, and legal entities. This opportunity may arise either naturally or be granted by law, either universally or to specific subjects. On this basis, rights are classified according to their content into natural rights and legal (positive) rights. Natural rights are not created by the state or by any authority; rather, they are inherent to individuals by virtue of being human. Such rights include the right to life, the right to liberty, the right to own property, and the right to housing rights that every person must inherently enjoy. Some scholars have also referred to these as "innate" rights. Natural rights are not established by the state; the state merely recognizes and protects them. In the classical sense, they are rights that the state is obliged to safeguard.[13]

Positive legal rights, in the classical sense, are rights established by legal norms embodied in laws and normative acts that reflect the will of a rule-of-law state, and they are likewise protected by the state. The term "positive" originates from a stream of philosophical thought on law known as **legal positivism**[14]. Its core meaning may be understood as the formal establishment and guarantee, through binding legal norms, of the requirements that law ought to embody such as public interest, justice, equality, rights and freedoms, and well-being. If a norm fails to fulfill these requirements, then even if it is called "law," it may not truly qualify as such. In this sense, genuine positive rights may appropriately be referred to as "legal rights."

Law is not something that exists prior to rights; rather, it formalizes rights that already exist by giving them official recognition and expressing their requirements in normative written form. Positive law functions as a binding order in social relations. It is accepted and followed by individuals, legal entities, and lawmakers; violations result in legal responsibility; and those applying the law especially courts must operate within its limits. It is also subject to scholarly examination, through which its strengths and weaknesses are identified and demonstrated. Positive rights are established and recognized through legal norms, and once exercised by participants in specific social relations, they are referred to as **subjective rights**. One aspect of the concept of rights may thus be understood as a form of legally guaranteed opportunity.

[13] **O. Amarkhuu,** *Theory of Law*, Ulaanbaatar, 2018, p. 85.
[14] D. Lundeejantsan, N. Jalbajav, Kh. Selenge, D. Otgontuya, *Philosophy of Law*, Ulaanbaatar, 2014, pp. 264–269.

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The **right to work** is a fundamental human right. Employment serves as a key mechanism for improving quality of life, expanding the middle class, strengthening social protection, and raising living standards. To ensure this, the two principal parties employer and employee exercise their rights and obligations in accordance with the law and on the basis of cooperation. The Constitution provides that *"a citizen of Mongolia shall have the right to freely choose employment, to be provided with favorable working conditions, to receive remuneration…"*. The recognition and proclamation of the right to work as a fundamental human right establishes that this right must not be infringed upon by anyone, particularly by the state and, within it, by lawmakers.[15]

Employment may be understood as a purposeful, rational activity of individuals aimed at satisfying personal and social needs and at creating income and wealth. The theoretical foundations of employment policy and state regulation have been developed by scholars such as Adam Smith, John Maynard Keynes, Karl Marx, and Jean-Baptiste Say.

In his renowned work *The Wealth of Nations*[16], the Scottish philosopher Adam Smith identified three key factors individual self-interest, the pursuit of private property, the division of labor and specialization, and free trade and competition as the sources of national wealth and prosperity. Through this, he emphasized that labor is the foundation of all wealth and introduced a new perspective in which wealth is measured by labor productivity, thereby demonstrating the significant role and value of employment in creating both individual and social wealth.[17]

Capitalists do not provide workers with adequate working conditions, reasonable working hours, flexible labor arrangements, or wages commensurate with their labor; rather, they accumulate wealth from the surplus value created by workers. If this situation intensifies, it leads, on the one hand, to rising unemployment in society, and on the other hand, to the escalation of class struggle, thereby alienating individuals from labor.[18]

The German political economist Karl Marx considered labor to be "good labor" when working conditions are improved, workers' rights and interests are respected, and fair and

[15] **N. Lkhundendorj,** *The Constitution of Mongolia (Scientific Commentary)*, Ulaanbaatar, 2022, p. 200.
[16] Adam Smith**,** *The Wealth of Nations*, 2011.
[17] **Simon Baut et al.,** 2009, p. 18.
[18] Karl Marx**,** *Capital*, 1999, pp. 272–273.

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adequate wages are provided. This idea has been reflected in the concept of "decent work" promoted by the International Labour Organization. In order to reduce unemployment and increase productivity, the idea of raising nominal wages was developed in the theory of the British economist A. W. Phillips. He emphasized that as the level of nominal wages increases, employment is supported and unemployment decreases. In other words, he identified an inverse relationship between the unemployment rate and the growth of nominal wages, which later became known as the Phillips Curve. He further defined wage responsiveness as a key mechanism for reducing unemployment and improving employment levels. Wage responsiveness refers to how changes in wages within a given sector affect the number of workers employed in that sector.[19] As employment constitutes a key factor of production, the relationship between declining labor utilization, rising unemployment, and changes in Gross Domestic Product was studied by the economist Arthur Okun. Based on economic and mathematical analysis, he identified a regularity between unemployment and Gross National Product, concluding that when unemployment increases by one percent, real Gross National Product decreases by approximately two percent.[20]

Referring to **decent work**[21] as a driving force of sustainable development, the following points may be highlighted: SDG 1. For people living in poverty, their most important asset is their capacity to work productively; therefore, decent work is the primary pathway out of poverty. SDG 2. Healthy workers and decent, safe working conditions increase labor productivity. Conversely, lack of access to necessary healthcare, as well as occupational accidents and diseases, often push people out of the workforce and into poverty. SDG 3. Ensuring that all women have access to decent work and receive equal pay for work of equal value is a key factor in achieving gender equality. SDG 4. Decent work is characterized by fair income, workplace safety, and the importance of social protection. Ensuring the effective implementation of labor legislation, including the Labor Law of Mongolia, may therefore be regarded as an essential component in achieving the Sustainable Development Goals. Private law, in turn, protects the freedom of individuals to pursue and realize their own objectives.[22]

[19] **Analysis of the Outcomes of Employment Promotion Policy,** Research Report of the National Academy of Governance of Mongolia, 2020.
[20] Arthur Okun — Okun's Law
[21] https://www.ilo.org/publications/social-impact-investing-quality-jobs-investment-strategies-achieve-cross
[22] Ernest J.Weinrib, The Idea of Private Law, 2012, p 1,2.

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The term "implementation" refers, in its broad sense, to the transformation of positive legal norms into practical reality and to the attainment of their societal impact. However, when emphasizing the process of concretizing these norms through the activities of relevant subjects, it is more appropriate particularly in Mongolian legal drafting style to use the verb form "to implement," which conveys a more precise and action-oriented meaning. In its most concise definition, the implementation of law may be understood as the result of the conscious activities of subjects of legal relations in exercising their subjective rights granted by legislation and fulfilling their legal obligations.[23] It also refers to the process of realizing positive legal norms in practice through the behavior of subjects.[24]

Within the scope of the above issues, if the right to work and certain issues concerning the implementation of relevant legislation are examined from the perspective of objective and subjective rights, Article 122 of the Labor Law of Mongolia (Internal Labor Regulations) becomes particularly relevant. It is also considered that whether labor law is grounded in public law or in civil (private) law explains differences in economic productivity and efficiency.[25] Scholars have characterized labor law as belonging to **mixed law**[26] It is difficult to deny that law itself represents organized justice.[27]

In this regard, the Labor Law of Mongolia necessarily requires specific and detailed regulation. Based on the summarized general findings of a study conducted among employees with young children (aged 3–12)[28] such as arriving late to work in the morning, being late to pick up children from kindergarten, lacking sufficient time to participate in school or kindergarten activities, and facing difficulties in childcare during school holidays or when children are ill several practical issues have been identified. Considering these findings within the framework of the implementation of Article 122.1 of the Labor Law, which mandates that "internal labor regulations" must be enforced by employers, it becomes relevant to examine

[23] **O. Amarkhuu,** *Theory of Law*, Ulaanbaatar, 2018.
[24] **N. A. Pyanov,** *Theory of State and Law. Part 2: Theory of Law*, "Jurisprudence," 2011, p. 227. *(cited in)*
[25] Beth Ahlering and Simon Deakin, 'Labor Regulation, Corporate Governance and Legal Origin: A Case of Institutional Complementarity? (2007) Law & Society Review 865 ff. More generally, see Nuno Garoupa and Andrew Morris, 'The Fable of the Codes: The Effi
[26] **Yo. Bolormaa,** *"The Objectives of the Labor Law of Mongolia and the Application of Labor Legislation," Rule of Law Journal*, No. 4 (2023), p. 85.
[27] Frédéric Bastiat**,** *"The Law,"* translated by N. Bayarbaatar, Ulaanbaatar, 2001.
[28] With regard to working time regulations in organizations' internal labor rules, a survey of approximately 70 employees from four organizations was utilized, based on responses collected through an online public platform.

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how such issues are reflected and addressed in the internal regulations of respective organizations.

№	Criteria / Indicators [29]	X1[30]	X2	X3	X4
1.	Whether working hours (arrival and departure times) are flexibly regulated	үгүй	үгүй	тийм	үгүй
2.	Whether opportunities are provided for remote work when employees need to care for their children at home (e.g., during school holidays or illness)	үгүй	үгүй	үгүй	үгүй
3.	Whether there is a regulatory framework for a hybrid[31] workplace model	үгүй	үгүй	үгүй	үгүй

Article 84 of the Labor Law of Mongolia establishes the maximum limits of working hours. However, business entities and organizations are required to address the above-mentioned issues in accordance with the obligations set out in the Labor Law[32] such matters may be addressed within the framework of mandatory norms namely, internal labor regulations and employment contracts as well as within non-mandatory normative arrangements. For example, taking into account the specific nature of job duties, introducing flexible start and end times, as well as providing legal opportunities for remote or home-based work, can lead to positive outcomes. These include improved safety for young children, greater job stability, increased productivity, and clearer allocation of rights and obligations. The essence of employment relations is expressed through a balanced distribution of rights and obligations between the parties. The rights and duties of employers and employees are shaped and implemented through the Labor Law of Mongolia, normative acts regulating labor relations (for instance, internal labor regulations within an organization), and employment contracts (in their various forms). In other words, the absence of overlap, the specificity of rights and obligations, and their alignment with the norms mandated by the Labor Law within a given organization are essential for effective implementation.

Article 84 of the Labor Law of Mongolia establishes the maximum limits of working hours. However, business entities and organizations may address the above-mentioned issues

[29] Based on the general results of the study, potentially pressing issues were identified and grouped as criteria.
[30] The names of the organizations participating in the study are presented in a representative (anonymized) manner.
[31] It is a flexible work arrangement that allows employees to choose between working in the office or working remotely a combined (hybrid) model. (ahaslides.com)
[32]

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within the framework of mandatory norms such as internal labor regulations and employment contracts and also within non-mandatory norms.[33] For instance, taking into account the specific nature of job duties, introducing flexible start and end times, as well as providing legal opportunities for remote or home-based work, can lead to positive outcomes. These include improving the safety of young children, ensuring job stability, increasing work productivity, and clarifying the allocation of rights and obligations. The essence of employment relations is reflected in the balanced distribution of rights and obligations between the parties. The rights and duties of employers and employees are shaped and implemented through the Labor Law + normative acts regulating labor relations (for example, internal labor regulations within an organization) + employment contracts (in their various forms). In other words, the absence of overlap, the specificity of rights and obligations, and their expression through both mandatory[34] and non-mandatory[35] internal labor regulations applicable within a given organization may be viewed, in essence, as consistent with the idea that "individual rights serve as a means of subjecting society to moral law".[36] In legislating proportional balance, the Labor Law generally imposes obligations on employers (duties, prohibitions, and limitations) while granting rights to employees (entitlements, benefits, and guarantees). Furthermore, employment-related relations are also specifically regulated in other laws, such as provisions on additional leave, paid leave, disciplinary sanctions, and allowances. For example, under the Labor Law of Mongolia (2022), Article 3.4 provides that employment relations of civil servants not specifically regulated by the Law on Civil Service of Mongolia or other relevant laws shall be governed by the Labor Law. Article 4.3 of the Law on Civil Service (2017) stipulates that the legal status of civil servants holding service positions shall be determined by the Labor Law,

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[34] It depends on the nature of the organization's activities, its specific characteristics, organizational culture, and human resource policies.

[35] Ayn Rand**,** *Capitalism: The Unknown Ideal*, Ulaanbaatar, 2005, p. 73.

[36] The broader legal framework regulating employment relations in Mongolia includes, among others, the Law on Civil Service of Mongolia, the Civil Code of Mongolia, the Law on Trade Unions Rights of Mongolia, the Law on Sending Labor Force Abroad and Receiving Foreign Labor and Specialists, the Law on Public Holidays and Commemorative Days of Mongolia, the Law on Occupational Safety and Health of Mongolia, the Law on Vocational Education and Training of Mongolia, the Law on Promotion of Gender Equality of Mongolia, and the Law on Employment Promotion of Mongolia, as well as other related legislation such as the Anti-Corruption Law of Mongolia, the Education Law of Mongolia, the Law on Diplomatic Service of Mongolia, the Law on Higher Education of Mongolia, the Law on Small and Medium Enterprises of Mongolia, the General Administrative Law of Mongolia, the Law on Civil Registration of Mongolia, the Civil Procedure Law of Mongolia, the Company Law of Mongolia, the Law on the Prosecutor's Office of Mongolia, the Law on Intelligence Agency of Mongolia, the General Tax Law of Mongolia, the Law on Railway Transport of Mongolia, the Law on Relations between State and Religion of Mongolia, the Law on State and Local Property of Mongolia, the Law on Employment of Persons with Disabilities of Mongolia, the Law on Investment Funds of Mongolia, the Law on Police Service of Mongolia, the Law on Legal Status of Judges of Mongolia, the Law on Court Administration of Mongolia, and the Law on Mediation of Mongolia, which together demonstrate the comprehensive and interconnected nature of the legal system governing employment and related social relations.

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this law, and other legislative acts. Article 4.4 further provides that matters not regulated by this law in relation to employment relations of civil servants shall be governed by the Labor Law and other relevant laws. Similarly, Article 41.3 states that issues not regulated by this law shall be further specified by the Labor Law. In addition, Article 99.9 of the Labor Law provides that, taking into account the specific nature of occupations, the duration of additional leave may be determined by relevant legislation.[37]

If the resolution of labor disputes by administrative courts and civil courts is summarized, it can be presented as follows, In practice[38], judicial decisions related to the application of labor legislation particularly in cases of unlawful dismissal most commonly result in reinstatement of the employee, compensation for wages lost during the period of unemployment, and reimbursement of unpaid social insurance contributions. This indicates that employers often fail to properly implement the Labor Law of Mongolia, either by not adopting internal labor regulations, or by adopting regulations that lack specificity, contain ambiguities, or contradict relevant legislation. In essence, for a norm to be effective, it must be properly established; if it is not established, it cannot be applied, and if it cannot be applied, it cannot be regarded as a true legal norm. It is also important to recognize that both public and private sector organizations face specific challenges in implementing labor legislation. The realization of an organization's goals and objectives depends on clearly defining the rights and obligations of employers and employees in a manner that moves from general to specific norms, closely linked to the organization's policies and human resource management. In practice, it is often observed that the rights and obligations set out in the Labor Law are merely replicated in internal labor regulations (e.g., internal labor rules) and employment contracts, resulting in standardized contracts with identical content and structure applied to all employees. In other words, the Labor Law establishes fundamental norms governing employment relations, whereas internal labor regulations allow organizations to develop their own specific rules and procedures based on their operational scope, characteristics, and needs. Furthermore, employment contracts and job descriptions should be derived from the organization's mission and strategic objectives, with clearly defined structures and responsibilities. This ensures that each employee's duties are distinct, non-overlapping, and well-defined, thereby enhancing productivity, accountability, and ownership of work responsibilities. The primary function of the theory of legal sources is to define what law and legal norms are, to establish criteria for

[37] Randy E.Barnett, 1986, 270-271.
[38]

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their recognition, and to determine the hierarchy and order of their application[39]. By establishing a hierarchical structure within the legal system, conflicts between norms can be resolved by applying higher-ranking norms, which in turn limits the applicability of lower-ranking norms.[40] On the other hand, the application of labor law involves the judicial resolution of disputes arising between parties. As has been noted, adopting new approaches to the legal system requires reliance on the doctrine of public and private law. In this regard, labor law within the national legal system possesses a "mixed" character, being connected to both public and private law. Therefore, addressing issues related to the application of labor legislation from the perspectives of legal tradition, philosophy, theory, and jurisprudential reasoning may contribute to achieving a more unified application of the law, offering both theoretical and practical significance.

Conclusion

In examining certain issues related to the implementation of labor legislation from the perspective of the theory of legal sources, it becomes evident that legal consequences arise due to the lack of detailed regulation and insufficient flexibility in the general provisions of the Labor Law of Mongolia. The essence of this theory lies in the coherence of legal sources within a given sector, as well as in the interdependence of law-making, implementation (enforcement), and application.

In the field of labor law, the unity of sources is shaped by its specific character is tics particularly its nature as a mixed branch of law and the extensive presence of normative acts. Furthermore, when considering the application of law, it becomes clear that legal consequences largely depend on how effectively the law is implemented in practice.

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[39] **S. Narangerel,** *"Legal Systems of Mongolia and the World,"* p. 116.
[40] Lex superior derogate legi inferior

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