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MONGOLIA

DRAFT LAW ON THE CONSTITUTIONAL COURT (TSETS)
(Revised edition)

Draft of June 29, 2026

THE LAW OF MONGOLIA

2026, ... month, ...th day — Ulaanbaatar city

ON THE CONSTITUTIONAL COURT (TSETS) OF MONGOLIA
/Revised edition/

CHAPTER ONE
GENERAL PROVISIONS

Article 1. Purpose of the Law

1.1. The purpose of this law is to establish the fundamental principles, organization, and guarantees of independence for the exercise by the Constitutional Court of Mongolia (hereinafter referred to as the “Court”), which, as provided in Article 64 of the Constitution of Mongolia, serves as the guarantee for the strict enforcement of the Constitution, of its powers to exercise supreme review over the observance of the Constitution, render conclusions on violations of its provisions, and rule on disputes, as well as to define the legal status of the Justices of the Court.

Article 2. Legislation and Scope of Application

2.1. The legislation on the Constitutional Court shall consist of the Constitution of Mongolia (hereinafter referred to as the “Constitution”), this Law, and other legislative acts enacted in conformity with them.

2.2. The activities of adjudicating disputes concerning violations of the Constitution, rendering conclusions on contested issues, and reconsidering contested issues and ruling on them thereon shall be carried out in accordance with the Law on Constitutional Court Procedure.

Article 3. Fundamental Principles of the Court

3.1. The Court, and its Justices in the performance of their duties, shall be governed by the following fundamental principles: subject solely to the Constitution, upholding the supremacy of law in conformity with the Constitution, explaining the grounds of decisions, openness, and independence.

Article 4. The Constitutional Court and its Jurisdiction

4.1. The Court shall exercise its power of supreme review over the observance of the Constitution for the purpose of upholding the constitutional order, protecting the fundamental rights and freedoms of citizens, and ensuring the separation of powers, and its power to render conclusions on violations of the provisions of the Constitution and to rule on disputes lies in strengthening the fundamental values, principles, and ideals of the Constitution. The Court is the constitutional court that serves as the guarantee for the strict enforcement of the Constitution.

4.2. The Court shall exercise its powers specified in Article 4.1 by adjudicating disputes on fundamental rights and on the separation of powers, and by reviewing the following contested issues, rendering conclusions, and bringing them to the State Great Khural:

4.2.1. whether laws, decrees, other decisions of the State Great Khural and the President, decisions of the Government, and international treaties to which Mongolia is a party conform to the Constitution;

4.2.2. whether decisions of the central election authority concerning a public referendum, the election of the State Great Khural and its members, and the election of the President conform to the Constitution;

4.2.3. whether the President, the Speaker or a member of the State Great Khural, the Prime Minister, a member of the Government Cabinet, the Chief Judge of the Supreme Court, or the Prosecutor General has breached the Constitution;

4.2.4. whether there are constitutional grounds for the removal from office of the President, the Speaker of the State Great Khural, or the Prime Minister, or for the recall of a member of the State Great Khural;

4.3. If the State Great Khural does not accept the conclusion specified in Clauses 4.2.1 and 4.2.2 of this Article, the Court shall reconsider the matter and make a final judgement.

CHAPTER TWO
ORGANIZATIONAL STRUCTURE OF THE COURT

Article 5. Criteria and Requirements for a Justice

5.1. “Having high legal qualification” as specified in Article 65.2 of the Constitution means a person who meets the requirements to serve as a judge of the Supreme Court, or has experience in adjudicating disputes at this level, and “having high political qualification” means a person who has experience in policy decision-making gained by serving as a member of the State Great Khural or the Government Cabinet, and a citizen of Mongolia with a higher legal education who meets either of these two requirements shall be appointed as a Justice.

5.2. The following citizens shall be prohibited from being appointed as a Justice:

5.2.1. who has held a leadership position in a political party within the last four years;

5.2.2. who has a criminal record.

Note: A leadership position in a political party means having served in the positions of party chairperson, deputy chairperson, secretary general, or secretary, or in the political council of the party, or in positions equivalent to these.

Article 6. Appointment of a Justice

6.1. The Court shall consist of nine Justices, who shall be appointed by the State Great Khural for a term of six years upon the proposal of the State Great Khural for three, the President for three, and the Supreme Court for three (hereinafter referred to as the “competent authority”).

6.2. Three of the total number of Justices of the Court shall have judicial experience, and three shall be specialized in constitutional law and have experience in research work.

6.3. At least 30 days prior to the expiration of a Justice's term of office, or within not less than 30 days following the date on which a Justice's mandate terminated early, the competent authority shall, in accordance with the conditions specified in Article 6.2, nominate a citizen who meets the criteria and requirements for a Justice and submit the proposal to the State Great Khural, along with the introduction and the relevant documents specified in Article 6.7.

6.4. The State Great Khural shall comply with the following procedure in proposing a candidate for Justice:

6.4.1. No fewer than 45 days before the date on which the term of office of a Justice expires, or within 14 working days following the date on which a Justice's mandate terminated early, or, if these circumstances arise during the recess of the session, within 14 working days following the commencement of the regular session, the State Great Khural shall establish a working group of nine members, composed with balanced representation of the majority and the minority in the State Great Khural, or, if no party or coalition has become the majority, composed proportionally to the number of seats obtained by the parties and coalitions that won seats in the State Great Khural. The group of each party or coalition shall itself select its member of the working group;

6.4.2. Within 14 working days following the date on which the working group is established, the candidate for Justice shall be determined by a vote of two-thirds of all its members.

6.5. The President shall issue an order proposing a candidate for Justice.

6.6. The Supreme Court shall determine the candidate for Justice by secret ballot, by a majority vote of all of its judges. If the State Great Khural appoints a person serving as a judge to the position of Justice, the mandate of the judge shall terminate from the date of appointment.

6.7. Before the competent authority submits its proposal to the State Great Khural, it shall post on its website, at least five working days in advance, an introduction on the candidate's full compliance with the criteria and requirements for a Justice.

6.8. If the State Great Khural declines to appoint a candidate proposed by the competent authority, the authority that made the proposal shall, within 30 days, propose another candidate in accordance with this Article.

6.9. The State Great Khural shall adopt a regulation governing matters such as studying and interviewing candidates for Justice, ensuring transparency, and ensuring public and professional participation.

Article 7. Commencement and Termination of the Mandate of a Justice

7.1. The mandate of a Justice shall commence on the day of appointment and shall continue until it terminates on the grounds specified in Article 7.2.

7.2. The mandate of a Justice shall be terminated on the following grounds:

7.2.1. the term of office provided for in the Constitution has expired;

7.2.2. the Justice has passed away;

7.2.3. acceptance by the State Great Khural of the Justice's request to be released, and release of the Justice;

7.2.4. renunciation of Mongolian citizenship;

7.2.5. A decision by the State Great Khural to recall a Justice has been issued in accordance with Article 19 of this law;

7.2.6. A court decision on the commission of a crime has become legally valid.

7.3. The State Great Khural shall issue a decision to terminate the mandate of a Justice on the grounds specified in Articles 7.2.4 and 7.2.6.

7.4. A Justice reaching the maximum age limit for civil service shall not be grounds for the termination of the mandate of that Justice.

Article 8. Oath of a Justice

8.1. Within 30 days following the appointment of a Justice, the Justice shall take the following oath, swearing by the Constitution, in the Session Hall of the Court: "I, a Justice of the Constitutional Court, undertake to conscientiously defend the Constitution of Mongolia, to adjudicate disputes solely in accordance with the Constitution, upholding the supremacy of law in conformity with the Constitution, impartially, independently, and fairly, and to strictly fulfill the duties of a Justice of the Court."

8.2. The regulation on the taking of the oath by a Justice shall be governed by the Internal Rules of the Constitutional Court (hereinafter referred to as the "Internal Rules").

Article 9. Panels for Dispute Adjudication in the Court

9.1. The Court shall adjudicate disputes in the panels of the Small, Medium, and Full benches.

9.2. The Small Bench shall consist of three Justices, the Medium Bench of six Justices, and the Full Bench of all Justices, respectively.

Article 10. Conference of the Court

10.1. A Conference of the Court composed of all Justices of the Court (hereinafter referred to as the "Conference") shall operate.

10.2. Justices of the Court, except those who have valid reasons for absence, shall necessarily attend the Conference. The Conference shall be considered valid if at least seven Justices are present, and the issues in the agenda shall be resolved by a majority vote of all Justices of the Court.

10.3.The Conference shall discuss and resolve the following issues:

10.3.1. elect, dismiss, and remove from office the Chief Justice of the Court;

10.3.2. adopt the Internal Rules and the Rules of Procedure of the Constitutional Court;

10.3.3. annually adopt the schedule of the composition of the Small and Medium benches;

10.3.4. make proposals on the budget of the Court, and review budget performance;

10.3.5. adopt the organizational structure and complement of the Office of the Court (hereinafter referred to as the “Office”);

10.3.6. upon the proposal of the Chief Justice of the Court, appoint, dismiss, or remove from office the Director of the Office and the Director of the Research Center of the Court;

10.3.7. hear reports and information on the activities of the Office, and give guidance;

10.3.8. address issues proposed by no fewer than one-third of the Justices.

10.4. The Conference shall issue a resolution on the issues it has discussed, in conformity with legislation.

10.5. The minutes of the session of the Conference shall be recorded and documented, and preserved by forming an archival unit.

10.6. The Internal Rules and the Rules of Procedure shall be posted on the Court’s website.

10.7. The Conference shall be regular and extraordinary. A regular Conference shall be convened at least once per quarter. An extraordinary Conference shall be convened within the period specified in Article 11.2 of this law, or upon the proposal of no fewer than one-third of the Justices of the Court, or of the Chief Justice of the Court.

10.8. A Justice shall be ensured equal opportunity to become familiar in advance, no fewer than three working days before, with the issue to be discussed at the Conference, to participate in the session, and to make proposals.

10.9. The regulations for the operations of the Conference shall be governed by the Internal Rules.

Article 11. Chief Justice of the Court and the Chief Justice’s Competence

11.1. The Chief Justice shall be elected for a period of three years and may be re-elected for one additional term. If the term of office of a Justice serving as the Chief Justice of the Court expires, the Justice shall be deemed to have been removed from the position of Chief Justice of the Court.

11.2. If the mandate of the Chief Justice of the Court terminates, a successor shall be elected within 14 days following the date on which all Justices of the Court are assembled. All Justices of the Court are obliged to participate in the Conference and to cast their votes.

11.3. The Justices shall nominate from among themselves, and the Justice who receives the majority of the votes of all Justices in a secret ballot shall be elected as the Chief Justice of the Court. If three or more Justices are nominated for Chief Justice of the Court, and none of them receives the majority of votes of all Justices in the first vote, a second vote shall be held on the two persons who received the most votes.

11.4. In addition to the competences of a Justice, the Chief Justice shall exercise the following:

11.4.1. represent the Court both domestically and internationally;

11.4.2. convene and chair the Conference;

11.4.3. protect the independence of the Court in relations with other state organizations;

11.4.4. exercise the competence of the general governor of the Court's budget and submit its proposal on the draft budget of the Court to the State Great Khural;

11.4.5. appoint and dismiss the researcher of a Justice upon the proposal of the Justice;

11.4.6. exercise other competences specified by law.

11.5. Within the scope of the Chief Justice's competence related to the adjudication of disputes, the Chief Justice shall issue resolutions, and within the scope of other competences, shall issue orders.

11.6. The Chief Justice shall hold the seal of the Court.

11.7. In the temporary absence of the Chief Justice, a Justice who has served the longest in the Court shall temporarily substitute for the duties of the Chief Justice.

Note: The term "a Justice who has served the longest in the Court," as specified in this Article, shall refer to the Justice who was appointed first within the composition of the Court concerned, and if several Justices were appointed at the same time, the Justice whose name is listed first in the order of names in the resolution of the State Great Khural by which they were appointed.

Article 12. Office of the Court

12.1. The Court shall have a professionally qualified and competent Office with the function of ensuring the normal, continuous, and secure conduct of the Court's activities, ensuring working conditions, and providing financial, administrative, technological, and organizational support.

12.2. In accordance with the Law on Constitutional Court Procedure, the Court shall have General Registrar with the function of examining whether petitions, information, and requests meet the requirements and whether the Court has previously resolved the matter, and of providing the plaintiff with a reasoned response as to whether it has been registered, and a Registrar with the duty of assisting in the performance of this function.

12.3. The General Registrar shall have at least seven years, and the Registrar at least three years, of professional experience, respectively, and they shall hold a license to practice law.

12.4. The Court shall have a research center, library, special archive, and other organizational units for the purpose of supporting the activities of the Court.

Article 13. Assistant and Researcher to a Justice

13.1. Each Justice shall have an assistant. An appointment and dismissal of a Justice's assistant shall be based on the proposal of the respective Justice.

13.2. Each Justice shall have up to three researchers responsible for conducting research related to the adjudication of disputes. A researcher shall be a legal professional capable of conducting comparative legal research.

13.3. By mutual agreement with the heads of universities, institutions of higher education, and other state organizations, an employee of the organization concerned may be seconded to work as a researcher of a Justice for a period of up to two years.

13.4. Upon the request of a Justice, and with the consent of the organization that originally sent the employee and of the employee specified in Article 13.3, the period of secondment may be extended for up to one year. In seconding an employee, the classification, level, salary, and rank of the position held by the employee shall not be reduced.

CHAPTER THREE
INDEPENDENCE OF THE JUSTICES AND INDEPENDENCE OF THE COURT

Article 14. Independence of a Justice

14.1. Justices shall be independent and equal in exercising their powers and shall treat with respect the independence of one another.

14.2. The President, the Speaker of the State Great Khural, members of the State Great Khural, the Prime Minister, members of the Government Cabinet, the Chief Judge and judges of the Supreme Court, the Prosecutor General, government and local self-governing bodies, and any other organization, official, or citizen are prohibited from interfering with a Justice in the exercise of their powers, or directly or indirectly influencing them.

14.3. The provision of information by a citizen of Mongolia on a contested issue under review by the Constitutional Court shall not be regarded as the influence specified in Article 14.2.

14.4. A Justice shall file a judicial interference report to document and verify any actions or inactions by other parties attempting, outside the adjudication procedure, to exert influence during the adjudication process.

14.5. Immediately upon the initiation of a dispute, the purpose of the Justice's judicial interference report and the consequences arising from violation of the law shall be explained to the participants in the dispute, and this shall be documented.

14.6. If a Justice files a judicial interference report, it shall be enclosed with the dispute materials and a copy shall be submitted to the Chief Justice of the Court.

14.7. The Chief Justice of the Court shall transfer the actions or inactions documented and verified in the judicial interference report to the relevant organization or official for investigation.

14.8. Upon receipt of the documents transferred in accordance with Article 14.7, the relevant organization or official shall, within the period provided by law, notify the Justice who has filed the judicial interference report and the Chief Justice of the Court of the proceedings it has resolved and is conducting.

14.9. The Office of the Court shall make public, on each occasion, the decisions submitted in accordance with Article 14.8.

14.10. Without the approval of the State Great Khural, it shall be prohibited to arrest, forcibly detain, place under preventive detention, or bring criminal charges against a Justice, to conduct inspections or searches of their body, residence, workplace, transportation, or communication tools, to infringe upon their correspondence, or to seize documents or property.

14.11. A Justice shall be provided with materials, equipment, vehicles, and special means of personal protection necessary for the performance of their official duties.

14.12. A Justice shall be exempted from any official conscription during their term of office.

14.13. If circumstances arise that threaten the life or safety of a Justice or a member of their family, the organization with the function of ensuring the safety of courts and judges shall immediately take measures aimed at stopping that threat.

Article 15. Economic and Social Guarantees for a Justice

15.1. The amount of the official salary of a Justice shall be sufficient and guaranteed for working and living economically independently of others.

15.2. The salary of a Justice shall consist of official salary and an additional allowance reflecting the special conditions of their position.

15.3. Expenses incurred in connection with the exercise of a Justice’s powers shall be financed from the budget of the Court.

15.4. If the term of office has terminated on the grounds specified in Article 7.2.2 of this law, a one-time allowance equal to 36 months of salary, calculated on the basis of the average official salary of the last one year, shall be paid to the Justice from the state budget.

15.5. If a Justice loses their life while performing official duties, a one-time non-repayable assistance equal to 36 months of official salary shall be provided to their family.

Note: If harm is caused to the life of a citizen whose mandate as a Justice has terminated, in connection with the official duties previously performed by that citizen, the non-repayable assistance specified in Article 15.5 shall likewise be provided to the citizen’s family.

Article 16. Independence of the Court

16.1. No one shall infringe upon the powers of the Court provided for in the Constitution.

16.2. The Court shall be independent of any organization or official and shall be provided with conditions for the continuous and normal conduct of its activities.

16.3. The Court shall have a seal and letterhead produced in accordance with the procedure established by the Court.

16.4. The Court shall have its own emblem, and the Justices shall have a gown and lapel pins, and their designs and usage procedures shall be governed by the Internal Rules. The matter of changing the emblem of the Court or the gown or lapel pins of the Justices shall be decided by all Justices of the Court unanimously.

16.5. The use, without permission, of an emblem or designation identical in form and content to the Court's emblem or proper name is prohibited.

16.6. The Court shall have its own premises meeting the conditions for the normal conduct of its activities.

16.7. The organization with the function of ensuring the safety of courts and judges shall be responsible for the security of the Court's premises.

16.8. The organization specified in Article 16.7 shall perform the duty of ensuring the safety of the Court, its Justices, and the participants in its sessions, and of maintaining order during sessions, and the relevant regulation shall be jointly approved by the Chief Justice of the Court and the head of that organization.

Article 17. Budget and Financial Guarantees of the Court

17.1. The Court shall have an independent budget, which shall be adequate to carry out its activities.

17.2. Upon the proposal of the Conference, the budget of the Court, the salary fund, and the amount of the salaries of the Justices shall be determined and approved by the State Great Khural.

17.3. The State Great Khural shall approve the coefficient for determining the amounts of the salaries of the assistants and researchers of Justices, the General Registrar, the Registrar, and other employees of the Office of the Court.

17.4. Reducing the budget for the activities of the Court from that of the previous year shall be prohibited.

CHAPTER FOUR
RESPONSIBILITY OF A JUSTICE

Article 18. Principles to Be Adhered to, Duties, and Prohibitions and Restrictions for a Justice

18.1. A Justice shall conduct the adjudication procedure impartially, free from dependence on any organization, official, or other person, and shall work fairly, strictly adhering to the principles of upholding the fundamental rights of citizens, taking an objective and well-founded approach, taking no sides, and being free from conflicts of interest.

18.2. A Justice shall comply with the relevant duties, prohibitions, and restrictions provided for in the Law on Civil Service, the Anti-Corruption Law, and the Law on Regulation of Public and Private Interests and Prevention of Conflict of Interest in Civil Service.

18.3. Justices shall be prohibited from the following actions:

18.3.1. disclosing, or using for purposes unrelated to their official duties, any state secrets, organizational secrets, or sensitive personal information learned in the course of exercising their powers;

18.3.2. publicly expressing in advance their own opinion or conclusion, or giving advice, regarding an issue to be resolved by the Court or a dispute under review by the Court before the Court's decision has been issued;

18.3.3. participating in the adjudication of a case or dispute in court, representing others, or providing legal advice, other than representing themselves or a member of their family;

18.3.4. holding concurrently any work or position unrelated to their official duties, other than teaching and conducting research;

18.3.5. engaging in or participating in political or commercial activities, or other activities that conflict with their impartiality and independence.

Article 19. Recall of a Justice

19.1. If the Chief Justice or a Justice of the Constitutional Court violates the law, the matter of recalling that person shall be taken up and discussed by the State Great Khural when formally raised, with signatures, by the President, the Supreme Court, or no fewer than one-third of all members of the State Great Khural.

19.2. In discussing the recall of a Justice, the State Great Khural shall necessarily hear the decision of the Constitutional Court on whether the Chief Justice or Justice of the Constitutional Court has violated the law, and the proposal of the organization that initially nominated the Justice.

19.3. If the State Great Khural decides to take up the matter of the Chief Justice or a Justice of the Constitutional Court having violated the law, the organization that initially nominated the Justice and the Constitutional Court shall begin their discussion after three working days and submit their proposal and decision to the State Great Khural within ten working days.

19.4. The Supreme Court shall make its proposal by a majority of all judges of the Supreme Court, and the Court shall make its decision at the Full bench of the Constitutional Court.

19.5. A Justice whose violation of the law is under discussion shall have the right to give explanations before the Court and the organization that initially nominated the Justice, as well as before the State Great Khural, and shall not participate in the vote of the Court.

19.6. If the initiative specified in Article 19.1 is received by the State Great Khural during a session, within 30 days, or, if received during the recess of the session, within 30 days following the commencement of a regular or extraordinary session, on the basis of the decision of the Court and the proposal of the organization that initially nominated the Justice, it shall decide whether to recall the Justice.

19.7. Except as provided in this law, the termination of the mandate of a Justice, or the recall of a Justice, shall be prohibited.

Note: The term "organization that initially nominated the Justice" as specified in this Article shall be understood to mean the competent authority or official that proposed the Justice of the Court in accordance with Article 6 of this law.

The term “violated the law” as specified in this Article shall be understood primarily to mean the violation of the Constitution, the Law on the Constitutional Court, the Law on Constitutional Court Procedure, and legislation defining acts or omissions incompatible with the official duties of a Justice.

CHAPTER FIVE
MISCELLANEOUS

Article 20. Liability for Violating the Law

20.1. Individuals or legal entities that violate this law shall be held accountable in accordance with the Criminal Code or the Infringement Code.

20.2. If the actions of a government official violating this law do not constitute a crime or an offense, such official shall be held accountable in accordance with the Law on Civil Service.

20.3. If actions or omissions directed against the dispute adjudication procedure, or other actions or omissions having the nature of a crime, occur, the appropriate authorities shall be notified.

Article 21. Transitional Provisions

22.1. The requirements and conditions specified in Articles 5.1, 5.2, and 6.2 of this law shall not apply to Justices appointed before the date on which this law is adopted.

Article 22. Entry into force

22.1. This law shall enter into force on 13 January 2028.

[Signature]