ADVOCACY CAMPAIGN · 2026 оны 10-р сарын 2

N.Unurbayar: In Addition to Criminal Liability for Persons Who Commit the Crime of Illegal Mining, the Equipment and Items Used Are Confiscated as State Revenue



A study by the prosecution service of crimes against the environment over the past 5 years found that 1,290 crimes of illegal mineral extraction were registered and investigated. Owing to factors such as geographic location and the distribution of natural resources, this type of crime is predominantly committed in provinces such as Bayankhongor, Govi-Altai, Selenge, and Umnugovi.

“Хамгаалсан байгаль-Бидний ирээдүй” нөлөөллийн арга хэмжээний хүрээнд Өмнөговь аймгийн прокурорын газрын ерөнхий прокурорын орлогч Н.Өнөрбаяртай хууль бусаар ашигт малтмал хайх, ашиглах, олборлох гэмт хэргийн гаралт, шийдвэрлэлт, хуулийн зохицуулалтын талаар ярилцлаа.

What is the situation in Umnugovi Province regarding crimes against the environment, in particular crimes of illegal mineral exploration, use, and extraction?

Өмнөговь аймаг нь 165 мянган км² нутаг дэвсгэртэй бөгөөд газар нутгийн

хэмжээгээрээ томд тооцогддог. Мөн ашигт малтмалын асар их нөөцтэй, уул уурхайн стратегийн гол бүс нутаг юм.

In terms of the number of crimes against the environment, in particular crimes of illegal mineral exploration, use, and extraction, Umnugovi Province ranks above other provinces.



Over the past 3 years, the Umnugovi Province Prosecutor's Office has supervised 37 cases of crimes against the environment, of which 23, or 62 percent, were crimes of illegal mineral exploration, use, and extraction. Indictments were issued and transferred to court in 18 cases of illegal mineral exploration, use, and extraction, which shows that the detection and resolution of such cases have increased sharply.

What are the causes and conditions behind the crimes of illegal mineral exploration, use, and extraction?

This type of crime is predominantly committed in soums close to the provincial center and rich in minerals, such as Nomgon, Khankhongor, Khurmen, Bayandalai, and Servei. As for the perpetrators, in addition to local residents, there are cases of people coming from other provinces and localities to commit these crimes.

Иргэд “алт их гарсан газар”, “их хэмжээний алт олж гэнэт хөрөнгөжсөн” зэрэг ам дамжсан дам ярианд итгэж, гар аргаар хууль бусаар алт хайж, олборлох гэмт хэрэгт холбогдож байна. Иргэд албан ёсоор нөхөрлөл, хоршоо байгуулж бичил уурхай эрхлэх зөвшөөрөл авч ашигт малтмал олборлох хуулийн зохицуулалттай байдаг ч иргэд энэ хуулийн зохицуулалтыг мэдэхгүйгээр зөвшөөрөлгүйгээр газрын хэвлийд халдаж байгаа тохиолдол гарч байна.

Legal entities, for their part, commit this crime by conducting illegal activities such as exceeding the areas permitted for mineral exploration, extraction, and use, or carrying out extraction and use despite having obtained only a rehabilitation permit. As for the reasons, the intention is usually to get money quickly and easily.

What acts are considered crimes of illegal mineral exploration, use, and extraction?

Эрүүгийн хуулийн 24.2 дугаар зүйлд зааснаар хууль бусаар ашигт малтмал хайх, ашиглах, олборлох гэмт хэрэг нь тусгай зөвшөөрөлгүйгээр ашигт малтмалын эрэл хайгуул, олборлолт, боловсруулалт, ашиглалт явуулсан, эсхүл ашигт малтмал олборлохоос өөр зориулалтаар хууль бусаар газрын хэвлийд халдсан” үйлдлийг хэлнэ.

Specifically, conducting mineral **exploration** without a special license means carrying out geological studies, taking samples, drilling, digging trenches, conducting geodetic and mapping work, and exploring with special tools and equipment in order to determine whether mineral occurrences and reserves exist.

Meanwhile, unlicensed mineral **extraction** refers to the active process of separating minerals (gold, coal, fluorspar, etc.) from their natural state and bringing them to the surface, that is, digging up gold-bearing soil using metal detectors, shovels, or small unlicensed machinery, or excavating large volumes of soil and relocating mineral-bearing layers using heavy machinery such as excavators and loaders.

Unlicensed mineral **processing** refers to carrying out, without a permit and by non-technological methods, the activities of enriching extracted raw minerals by physical and chemical means, separating them from impurities, improving their quality, and turning them into final products, for example grinding ore in mills and washing it with water, illegally using highly toxic chemicals such as mercury and sodium cyanide to form a gold amalgam, and then burning it to obtain pure gold.

Unlicensed use of minerals refers to activities of using illegally extracted, or extracted and processed, minerals for one's own needs, selling or trading them to others, or putting them into economic circulation for profit. This is the act of disposing of the products of extraction, such as directly using illegally extracted coal, fluorspar, sand, and gravel for construction or industrial purposes, selling them to illegal middlemen, supplying gold without an official certificate of origin to the market, or attempting to smuggle it across the border.

Regarding the crime of illegal mineral exploration, use, and extraction, could you explain the legal liability it entails?

Under the Criminal Code, the crime of illegal mineral exploration, use, and extraction is punishable by a fine of 5.4 million to 27 million togrog or imprisonment for a term of 1 to 5 years.

If the above crime is committed on behalf of a legal entity and in the interests of that legal entity, the legal entity shall be punished by deprivation of the right to engage in certain types of activities and a fine of 20 to 120 million togrog.

Мөн “Тусгай зөвшөөрөлтэйгээр ашигт малтмалын хайгуул, ашиглалт, олборлолт, боловсруулалт явуулсан талбайд нөхөн сэргээлтийн ажлыг зохих журмын дагуу хийгээгүйн улмаас байгаль орчинд их хэмжээний хохирол учирсан” тохиолдолд 10-40 сая төгрөгөөр торгох, 2-8 жил хүртэл хугацаагаар хорих ял шийтгэнэ.

If the above crime is committed on behalf of a legal entity and in the interests of that legal entity, the legal entity shall be punished by deprivation of the right to engage in certain types of activities and a fine of 120 to 400 million togrog.

> Citizens need to clearly understand that, when this type of crime is committed, in addition to the punishment imposed under the Criminal Code, illegally obtained income and natural resources are confiscated, the equipment and tools used to commit the crime are turned into state revenue, and the damage caused to the environment must be paid at three times its amount.

For example, the environmental damage caused by crimes of mineral exploration, use, and extraction committed in Umnugovi Province in 2026 was determined to be approximately 2 billion togrog. To secure compensation for the damage, asset protection measures are being taken, such as freezing the assets of the individuals and legal entities involved in the crimes and restricting their transfer.

Аймгийн прокурорын газраас “Хамгаалсан байгаль-бидний ирээдүй” нөлөөллийн арга хэмжээний хүрээнд орон нутагтаа ямар ажил, арга хэмжээ авч ажиллаж байна вэ?

Өмнөговь аймгийн прокурорын газраас “Хамгаалсан байгаль-бидний ирээдүй” нөлөөллийн арга хэмжээний хүрээнд хууль бусаар ашигт малтмал хайх, ашиглах олборлох гэмт хэргийн гаралт, шийдвэрлэлтийн нөхцөл байдалд нарийвчилсан судалгаа хийсэн. Судалгааны үр дүнд үндэслэн орон нутгийн иргэдийн хууль эрх зүйн мэдлэгийг дээшлүүлэх, соён гэгээрүүлэх зорилгоор урьдчилан сэргийлэх мэдээ, мэдээллийг хүргэх ажлыг үе шаттай зохион байгуулж, орон нутгийн хэвлэл мэдээллийн хэрэгслээр мэдээлэл тогтмол хүргэж байна.

In addition, we have obtained from the relevant organizations surveys of land damaged and destroyed by illegal activities, and are working with professional environmental agencies to rehabilitate it and to reduce the risk of further encroachment upon the subsoil.

We have also sent prosecutor's notices to the Crime Prevention sub-councils of the soums with high crime rates, requiring them to eliminate the causes and conditions.

Regarding the crime of illegal mineral exploration, use, and extraction, How can crime be reduced and this type of crime be prevented?

Citizens need to fully realize and understand that they must not encroach upon the subsoil for the purpose of searching for, extracting, or using minerals without a permit.

Under the Constitution of Mongolia, land, the subsoil, and its resources are state property. Therefore, to avoid becoming involved in this type of crime, one must obtain the relevant

permits from the competent state authority and operate within the framework of laws, rules, and regulations.

Moreover, preventing and reducing crimes of illegal mineral exploration, use, and extraction is not solely the work of law enforcement agencies. Citizens should promptly report information about any illegal activity, and the relevant state organizations and private sector entities need to abide by laws and regulations and ensure compliance with standards.

Since every illegal and unauthorized act entails legal liability, citizens also need to improve their legal knowledge and education.

.

Эх сурвалж: https://prosecutor-en.greensoft.mn/post/3656