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Factors for the success of general mobilization in Algeria under Law 25/05*

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Abstract:

This article highlights the importance of examining the factors for the success of general mobilization in Algeria under Law No. 25-05, as a newly established legal framework aimed at enhancing the state's readiness to address various types of crises. This law seeks to fill the gap revealed by constitutional provisions by providing a precise regulation of mechanisms for mobilizing human and material resources and coordinating efforts across different sectors. The article focuses on analyzing a set of key factors for the success of general mobilization, foremost among them the effectiveness of the legal framework and the clarity of responsibilities among the concerned institutions.

It also addresses the importance of strong institutional coordination and ensuring the readiness of the necessary resources and means to address emergencies. Furthermore, it emphasizes the role of public awareness and citizen engagement as a central component in the mobilization system.

Key words: General mobilization, Law No. 25-05, effectiveness of legal regulation.

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introduction:

Crisis management is considered one of the most significant challenges facing modern states in light of the rapid transformations occurring at the security, health, environmental, and political levels. This makes it essential to establish an integrated legal framework that enables states to address various emergency situations with efficiency and effectiveness. The matter is not limited merely to ensuring a rapid response to crises; rather, it extends to the necessity of maintaining a balance between the requirements of security and stability on the one hand, and respect for constitutional legitimacy as well as the protection of rights and freedoms on the other. In this context, the importance of what is known as states of necessity or exceptional circumstances has emerged, as these situations compel public authorities to adopt special measures to confront extraordinary dangers that may threaten the very existence of the state and the safety of society.[1]

Within the context of activating this legal framework and translating it into practical application, general mobilization constitutes one of the most prominent strategic mechanisms adopted by states to confront major crises and existential challenges, whether related to wars, natural disasters, health emergencies, or serious security threats. However, the success of this mechanism is no longer dependent solely on the material and military capabilities of the state; rather, it has become contingent upon the effectiveness of the legal and regulatory framework governing it, in a manner that ensures an efficient response while respecting the principles of constitutional legitimacy and the requirements of the rule of law.

In this context, Algeria, like other states, has sought to strengthen its legal framework in order to keep pace with various challenges, particularly following the 2020 constitutional amendment, [2] which

[1] Bouziane El Arabi, State Intervention in Crisis Management under the Global Economic System, *Journal of Economic Research*, Vol. 7, No. 1, 2012, pp. 147–162.

[2] - The 2020 Constitutional Amendment issued pursuant to Presidential Decree No. 20-442 dated 30 December 2020, Official Gazette No. 82.

introduced and consolidated new principles regarding the regulation of states of necessity. However, despite their importance, constitutional provisions alone were not sufficient to provide a detailed and comprehensive legal framework for the various mechanisms of crisis management, especially with regard to general mobilization as a preliminary measure preceding the declaration of a state of war or the confrontation of serious threats. This deficiency resulted in a legal gap that required legislative intervention.

Accordingly, Law No. 25-05[1] relating to General Mobilization was enacted as an important legislative milestone aimed at filling this gap by establishing a precise legal framework governing the mobilization of the state's human and material resources, as well as coordinating the efforts of various sectors to confront crises efficiently and effectively. This law also reflects the State's orientation toward strengthening its overall preparedness in light of a complex regional and international environment characterized by increasing risks and diverse sources of threat.

Nevertheless, the success of general mobilization does not depend solely on the existence of a legal text; rather, it is linked to a set of interrelated factors, including the effectiveness of the legal organization, the clarity of competencies, proper coordination among institutions, the readiness of resources, as well as public awareness and societal engagement in implementing mobilization requirements. Hence, the importance of examining these factors in light of Law No. 25-05 emerges, in order to assess the extent to which it is capable of achieving its intended objectives.

Based on the foregoing, the following problem statement may be raised: What are the factors contributing to the success of general mobilization in Algeria under Law No. 25-05, and to what extent has this law contributed to providing an effective legal and organizational framework that ensures the State's preparedness to confront crises and achieve a rapid and efficient response?

[1] - Law No. 25-05 dated 19 July 2025, Official Gazette No. 47.

To address this issue, the descriptive method was adopted by presenting the concept of general mobilization, explaining its objectives, characteristics, and importance in confronting crises and exceptional circumstances, as well as clarifying the various legal and organizational mechanisms introduced by Law No. 25-05 relating to general mobilization.

The analytical method was also adopted through the analysis of the relevant legal and constitutional texts, particularly the provisions of Law No. 25-05 and the 2020 Constitutional Amendment, with the aim of assessing the effectiveness of this legal framework in ensuring the success of general mobilization and achieving a balance between the requirements of national security, respect for constitutional legality, and the protection of rights and freedoms.

Section I: The Concept of General Mobilization

General mobilization is considered one of the most important legal and strategic mechanisms that the State resorts to in confronting serious dangers and exceptional circumstances that threaten its security and stability, particularly in cases of war, external threats, or major crises that require the mobilization of all national capabilities. In order to clarify this concept accurately, it is necessary to address its definition from both the doctrinal and legal perspectives.[1]

A) The doctrinal definition of general mobilization

Doctrinal definitions of general mobilization vary according to the perspective adopted by jurists; however, they all converge on the idea that it is a legal and organizational instrument aimed at placing the State's human and material resources at the service of the supreme interest of the State, particularly in exceptional circumstances.

Some jurists define it as the process of placing all public and private facilities, as well as all elements related to the war effort—persons, equipment, and financial resources—under government control in order to ensure an effective response to the existing threat.

[1] - Ghaous Hassina, op. cit., pp. 381–400.

Another view considers it as the process of transforming the national armed forces into a state of war or quasi-war, while reorganizing the State's economy, institutions, and human, material, and legal capacities, so as to meet the requirements of a prolonged war and achieve its strategic objectives.

From this perspective, general mobilization is regarded as a preliminary and preparatory measure preceding the formal declaration of a state of war. It constitutes a preparatory phase based on the emergence of material and objective indicators signaling the existence of a serious threat to the State's existence or national security, thereby requiring an increased level of readiness and comprehensive preparedness.

B) The legal definition of general mobilization

From a legal standpoint, the Algerian constitutional legislator referred to the state of general mobilization in Article 99 of the 2020 Constitutional Amendment, maintaining the same wording as in the 2016 amendment, without providing an explicit or detailed definition of this concept. However, the placement of this article among exceptional regimes is significant, as it comes after the provision regulating the state of exception and before the provision concerning the state of war. This indicates that general mobilization constitutes an intermediate stage between the state of exception and the state of war, serving as a preparatory measure preceding the latter and aimed at its preparation.

It is also noteworthy that the constitutional legislator did not specify the grounds for declaring general mobilization, nor its duration or specific organizational and implementation procedures, unlike what was done for the states of emergency, siege, and exception, leaving these details to ordinary legislation.

In this regard, Law No. 25-05 on general mobilization filled this legislative gap, as Article 2 defines it as: "the set of measures to be taken to ensure the highest level of efficiency in the transition of the armed forces, State organs, national institutions, and the national economy

from a state of peace to a state of war, and to place national capabilities at the disposal of the war effort."

From this definition, it is clear that general mobilization is not limited to the military dimension alone; rather, it also encompasses various civilian, economic, and administrative sectors. It is a comprehensive process aimed at mobilizing all State capacities in service of national defense, ensuring an organized and effective transition from peace to war, and strengthening the State's ability to confront major threats and crises.

C) General mobilization in comparative legislation and its characteristics

The regulation of general mobilization is not limited to Algerian legislation alone; it is also addressed in several comparative legal systems, among which French legislation is one of the most prominent. In this regard, it has been provided for within the provisions of the Defence Code. This legislation establishes that general mobilization is based on activating a set of pre-planned defence measures, aimed at enabling the State to confront exceptional circumstances efficiently and effectively, through an orderly and rapid transition from a state of peace to a state of preparedness or war when necessary, ensuring the utilization of all available capacities and resources within a structured legal and institutional response framework.

The implementation modalities of general mobilization are determined by decrees issued by the Council of Ministers, in accordance with Article L1311-1. The Minister of Defence is responsible for transmitting the mobilization order and notifying the relevant civilian and military authorities, thereby ensuring effective coordination among the various State institutions during the transition from a state of peace to a state of heightened alert.[1]

From this perspective, general mobilization can be defined as an exceptional measure adopted by the State to confront an extraordinary situation that threatens its existence or national security, such as serious

[1] - Code de la défense français, articles L2141-1 à L2141-4 et article L1311-1, version consolidée, Légifrance, République française.

security threats, natural disasters, epidemics, or other crises requiring the country to be placed in a state of maximum readiness. This is achieved by mobilizing economic, military, human, and material resources in order to ensure an effective and rapid response to potential risks, particularly in the context of international tensions and political instability.

General mobilization is characterized by a set of features that highlight its legal and exceptional nature and distinguish it from ordinary administrative measures. The most important of these features are as follows:

General mobilization is considered a preventive and anticipatory measure, as it is not only resorted to once a danger has actually materialized, but may also be declared in response to potential internal or external threats that could jeopardize the State's security and stability in the future. This makes it a preventive tool aimed at raising the level of national preparedness before crises escalate and expand.

General mobilization may be either comprehensive or partial, depending on the nature of the threat and the surrounding circumstances. This is provided for in Article 67 of Law No. 25-05, which allows it to be limited to a specific geographical area or a particular sector of the State, or to extend to the entire national territory if the severity of the situation so requires.

The state of general mobilization also leads to a shift from ordinary legality to exceptional legality, as it is one of the exceptional situations provided for in Article 99 of the 2020 Constitutional Amendment. This enables public authorities to adopt special measures that cannot be taken under normal circumstances, provided that they are carried out within the framework of constitutional and legal safeguards governing this stage.

This exceptional measure must also comply with the principle of proportionality, meaning that there must be a real and serious threat to the State, its constitutional institutions, or its security and stability. General mobilization cannot be declared unless there is an actual

necessity justifying this transition from the ordinary regime to the exceptional one.

General mobilization is further characterized by its comprehensive and integrated nature, as it is not limited to the military aspect alone but also encompasses economic, administrative, and social dimensions. Moreover, its implementation is not the responsibility of the State alone, but requires broad coordination and active participation from all national bodies and institutions.

It also has a participatory character, as the Algerian legislator emphasized in Article 4 of Law No. 25-05 the need for the involvement of the public sector, the private sector, civil society organizations, and citizens in the success of the mobilization process. This reflects the State's orientation towards mobilizing all official and unofficial national capacities, strengthening civic responsibility, and engaging individuals in contributing to the protection of the homeland and the preservation of its security and stability.

Section II: Legal and Human Factors Influencing the Success of General Mobilization in Algeria

General mobilization constitutes a highly significant strategic mechanism within the Algerian legal system, as it represents the framework upon which the State relies to ensure an organized and effective transition from a state of peace to a state of war, or to confront major crises that threaten its security and stability. However, the success of this mechanism does not depend solely on the existence of a legal text regulating it; rather, it is contingent upon a set of interrelated factors. Some of these are legal and organizational, relating to the clarity of rules, the determination of competencies, and proper coordination among the various State institutions, while others are human and societal, linked to the readiness of resources and expertise, as well as the level of public awareness and willingness to participate in assuming national responsibility.

From this perspective, this section aims to highlight the most important factors that contribute to the success of general mobilization

in Algeria under the provisions of Law No. 25-05, and to clarify the role of both the legal and organizational framework, as well as the human and societal dimension, in ensuring the effectiveness of this exceptional mechanism.

A) Legal Factors for the Success of General Mobilization

General mobilization is considered one of the most important legal and strategic means adopted by the State to confront major dangers and exceptional circumstances that may threaten its national security and political and social stability, particularly in light of contemporary challenges that have become more complex and diverse, such as wars, terrorist threats, natural disasters, and health and economic crises. This mechanism cannot achieve its intended objectives unless it is based on a clear legal framework and a well-structured administrative organization that ensures its proper implementation, because the success of general mobilization is not linked merely to its declaration, but rather to the extent of the State's legal and institutional preparedness to implement it effectively.[1]

The existence of a clear constitutional and legislative foundation is considered one of the most important factors for the success of general mobilization, because legal legitimacy constitutes the basis upon which public authorities rely when adopting exceptional measures. The Algerian constitutional legislator expressly provided for the state of general mobilization in Article 99 of the 2020 Constitutional Amendment as one of the exceptional situations, thereby granting it an explicit constitutional basis that justifies resorting to it when necessary. However, the constitutional provision alone was not sufficient, as it did not address in detail the conditions for declaring general mobilization, the procedures for its implementation, or the competent authorities responsible for it. This necessitated legislative intervention through the enactment of Law No. 25-05 relating to general mobilization, which established a more precise legislative framework by defining the concept of general mobilization, its objectives, methods of

[1] -- Ghaous Hassina, op. cit., pp. 381–400.

organization, the bodies concerned with its implementation, and the obligations arising from it.

The clarity of competencies among the various authorities and institutions also constitutes an essential element in the success of general mobilization, because it is not implemented by a single authority, but rather requires the intervention of several institutions and integrated policies. These include the Presidency of the Republic as the constitutionally authorized body to declare mobilization, the Ministry of National Defence as the principal authority responsible for its implementation, in addition to the Ministries of Interior, Health, Transport, Energy, Communication, Economy, and other vital sectors. The absence of coordination among these bodies, or ambiguity regarding the limits of each authority's competence, leads to disruption of the mobilization process and delays in decision-making, which may aggravate the crisis rather than contain it. Therefore, the success of general mobilization requires a precise legal organization that clearly defines responsibilities and ensures rapid intervention and effective response.

Another important organizational factor is the existence of clear implementing regulations and executive procedures, because the effectiveness of the law is not achieved merely by its promulgation, but requires regulatory decrees and practical mechanisms that clarify how it is to be applied in reality. Although Law No. 25-05 is of great importance, its effectiveness remains dependent on the completion of its implementing texts, which regulate the details of execution and define the mechanisms of coordination, monitoring, and supervision. The absence of such texts may lead to delays in implementation or conflicting administrative interpretations, thereby weakening the effectiveness of general mobilization.

On the other hand, respect for the principle of constitutional legality during the implementation of general mobilization is one of the fundamental guarantees of its success, because exceptional powers do not mean granting the administration unrestricted authority; rather, they must be exercised within the framework of respect for the Constitution and the principles of the rule of law. Every exceptional measure must

be proportionate to the seriousness of the existing danger and must not exceed the limits imposed by necessity, so that it does not become a means of unlawfully infringing upon individual rights and fundamental freedoms. The balance between national security and the protection of rights and freedoms is therefore one of the most important criteria for the success of general mobilization, because citizens cannot cooperate with the State if they feel that the measures taken violate their dignity or freedom without legitimate justification.

Furthermore, subjecting decisions related to general mobilization to political and institutional oversight, even when they fall within acts of sovereignty, constitutes an important safeguard against abuse of power and reinforces the principle of responsibility and accountability. This, in turn, strengthens citizens' confidence in the legitimacy of such measures and increases their practical effectiveness.

B) Human Factors Influencing the Success of General Mobilization

In addition to the legal framework, the success of general mobilization is closely linked to the degree of readiness of human and material resources, as well as to the level of public awareness and society's willingness to actively participate in confronting crises. No matter how precise and well-structured the law may be, it cannot achieve its objectives unless practical means are available to ensure its implementation on the ground, because general mobilization, in its essence, is not merely a set of legal provisions, but rather an integrated system based on prior preparedness and comprehensive coordination between the State and society.

Human readiness is considered one of the most important elements for the success of general mobilization, because confronting exceptional circumstances requires qualified human resources capable of management under difficult and complex conditions. This includes the armed forces, which bear the greatest burden in protecting the State, as well as public administration employees and workers in vital sectors such as health, transport, communication, energy, education, civil protection, and other institutions that ensure the continuity of public services during crises. The success of general mobilization also requires prior training for officials and employees through specialized programs

in crisis management, rapid intervention, and decision-making under exceptional circumstances, because the absence of professional qualification may lead to confusion and poor management at critical moments.

As for material readiness, it constitutes an essential pillar that cannot be dispensed with, because general mobilization depends on the availability of the logistical and economic means necessary to ensure the implementation of the prescribed measures. This readiness includes strategic transportation means, reserves of essential supplies such as food, medicine, and energy, national industrial capacities, modern communication networks, and the infrastructure required to support the national effort in emergency situations. General mobilization also requires financial reserves that enable the State to intervene rapidly without disrupting its vital interests, because the absence of material capabilities renders legal provisions merely theoretical rules incapable of effective practical implementation.[1]

The involvement of citizens and civil society institutions is considered one of the fundamental factors for the success of general mobilization, because confronting crises is not solely the responsibility of the State, but rather requires collective participation and broad cooperation from all members of society. Law No. 25-05 emphasized this participatory dimension by involving both the public and private sectors, alongside civil society organizations, in the implementation of the requirements of general mobilization, reflecting the legislator's orientation toward comprehensive national mobilization based on the combined efforts of both official and non-official actors.[2]

The private sector, for example, can contribute by providing essential services, supporting national production, and ensuring the continuity of economic activity, while civil society organizations play an important role in awareness-raising, social support, and providing assistance to affected groups, especially in difficult humanitarian

[1] - Rachid Attou, General Mobilization in Algeria and the Restrictions Imposed on Its Declaration and Termination, *Journal of Legal Studies and Research*, Vol. 11, No. 1, 2026, pp. 254–272.

[2] -Radia Chibouti, op. cit., pp. 1128–1139.

circumstances. Likewise, the contribution of citizens through compliance with instructions, cooperation with public authorities, and respect for regulatory measures constitutes a decisive factor in the success of any general mobilization plan.

Social awareness also plays a major role in enhancing the effectiveness of general mobilization, as citizens who are aware of the seriousness of the situation are more prepared to make sacrifices, cooperate, and remain disciplined, which helps reduce disorder and prevents the spread of rumors and social confusion. Furthermore, promoting a culture of citizenship and collective responsibility contributes to strengthening the State's internal front and makes society more capable of resilience in the face of threats and crises, especially when individuals feel that they are part of the national protection system rather than merely passive recipients of orders.

Therefore, the success of general mobilization is not achieved solely through the existence of a regulating law, but also requires the development of a national culture based on solidarity, discipline, and mutual trust between the State and society. This is because the strength of the State in times of crisis is measured not only by its military capabilities, but also by the cohesion of its society and its readiness to defend its stability and supreme interests.

Conclusion:

The study of Law No. 25-05 relating to general mobilization demonstrates that it constitutes an important legal framework within the system of emergency situations in Algeria, as it was enacted to regulate this exceptional situation by defining its objectives, mechanisms, and the procedures to be followed by the various State institutions, foremost among them the National Defence sector, باعتباره the central authority in the implementation of the mobilization process. It also highlights the role of the President of the Republic in activating this mechanism as the authority competent to declare it, in accordance with formal and substantive legal conditions, despite the broad scope of discretion granted to him in this field.

At the same time, this law reflects the legislator's concern to equip the State with effective tools to confront crises through the

mobilization of human and material resources, the strengthening of coordination among different sectors, and the involvement of civil society, thereby reinforcing the principle of citizenship and raising the level of national awareness in facing challenges. However, this expansion of powers is accompanied, in some respects, by a relative impact on rights and freedoms, particularly due to the strengthened punitive nature of the law, which requires a careful balance between the requirements of national security and the guarantees of individuals' fundamental rights.

The study also reveals that the legal framework governing emergency situations in Algeria still requires further completion, particularly through implementing regulations that ensure the proper application of Law No. 25-05 in practice and clarify its mechanisms of enforcement. It also highlights the role of constitutional justice and institutional oversight as essential elements in preventing abuse of power, together with the need to expand legal safeguards for the protection of rights and freedoms during the activation of the state of general mobilization.

Accordingly, it can be concluded that the success of this law in achieving its objectives remains dependent on the quality of its implementation, the coherence of legal and regulatory texts, the effectiveness of oversight over public authorities, and the actual involvement of all components of the State and society within a comprehensive vision based on security, development, and respect for the rule of law.

Recommendations:

- The necessity of issuing implementing regulatory texts for Law No. 25-05 to ensure clarity regarding the mechanisms for the practical implementation of general mobilization.
- Strengthening constitutional oversight over decisions declaring general mobilization by involving the Constitutional Court in assessing the existence of the required legal conditions.

- Establishing additional legal safeguards to protect the fundamental rights and freedoms of individuals during the application of the state of general mobilization and to prevent any abuse of power.
- Creating a permanent coordination mechanism among various ministerial sectors and public institutions to ensure rapid and effective preparedness when general mobilization is activated.
- Enhancing the involvement of civil society and the private sector by regulating their roles more precisely within a clear legal framework that ensures the effectiveness of national participation in crisis.

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