

Abstract

The Principles Basing Industrial License in Indonesia

Under this title, the research started from two main issues : what philosophy underlying the industrial license in Indonesia and whether the industrial license system in Indonesia supports investment.

Based on this main ideas, the main approach is statute approach and comparative approach. By statute approach in the first step, the research has analyzed Indonesian license system based on the positive law.

The research indicates that Indonesian license system does not meet the principle of liberalization, that means, license as a type of administrative decision is absolutely required for any activities, especially for investment and industrial activities, which means that in Indonesia there is no freedom to do. This is the expression of the concept of interventionist state.

Comparing with the license system in the European Union and especially in the Netherlands, it seem that the main difference between the Indonesian license system and the European license system and the Netherlands license system is the basis of the system. The European Union license system and the Netherlands license system based on the principle of the freedom to do, but the Indonesian license system based on the principle **no industrial activities without license.**

Key Words

- Industri
- al license.
- liberalization.
- market economy.
- freedom to do.
- no industrial activities without license.