

THE RELATIONSHIP BETWEEN AGENTS AND STRUCTURES IN CHANGING THE AUTHORITY OF HALAL CERTIFICATES IN INDONESIA



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Abstract

The existence of Law No. 33 of 2014, which contains changes in the authority of halal certificates from the Indonesian Ulama Council (MUI) to the Halal Product Guarantee Agency (BPJPH), has created a polemic in society. Halal certificate, which was previously voluntary, has now become mandatory. This study aims to analyze the relationship between agents and structures in the change of authority and explain the duality between agents and structures from the perspective of structuration theory. This type of research is qualitative by using an interpretative approach to the core object of the problem in the study. The result of this study is the existence of a relationship between agents and structures to walk together in implementing halal certification. The agents who play a role in changing halal authority, consisting of BPJPH, business actors, and the general public in the structure (JPH Law), are expected synergize. It is intended to generate civil society who understands the dynamics of agent and structural changes in changing the authority of this halal certification.

Abstrak

Adanya Undang-Undang Nomor 33 Tahun 2014 yang memuat perubahan kewenangan sertifikat halal dari Majelis Ulama Indonesia (MUI) menjadi Badan Penyelenggara Jaminan Produk Halal (BPJPH), menimbulkan polemik di masyarakat. Sertifikat halal yang sebelumnya bersifat sukarela, kini menjadi wajib. Penelitian ini bertujuan untuk menganalisis hubungan antara agen dan struktur dalam perubahan otoritas dan menjelaskan dualitas antara agen dan struktur dari perspektif teori strukturasi. Jenis penelitian ini adalah kualitatif dengan menggunakan pendekatan interpretatif terhadap objek inti permasalahan dalam penelitian. Hasil dari penelitian ini adalah adanya hubungan antara agen dan struktur berjalan bersama dalam pelaksanaan sertifikasi halal. Para agen yang berperan dalam perubahan kewenangan halal yang terdiri dari BPJPH, pelaku usaha, dan masyarakat umum dalam struktur (UU JPH) diharapkan bersinergi. Hal ini dimaksudkan untuk menghasilkan masyarakat sipil yang memahami dinamika agen dan perubahan struktural dalam perubahan kewenangan sertifikasi halal ini.

INTRODUCTION

The development of an increasingly advanced era has a major impact on social change. Human social interactions between individuals and groups cause the consequences of social changes that develop in society. Auguste Comte (1893) argued that "the pattern of human development develops based on the law with a changing reality". Based on this statement, it can be understood that the development of the applicable law also influences the dynamics of social change that develops in society.

Social change discourse in this modern era spreads to various fields, such as: clothing, food, technology, and other aspects related to individual lifestyles. In the clothing field, the function of clothing has shifted not only to protect the body from hot and cold weather but also developed into a phenomenon that makes individuals look for trending styles.



Meanwhile, in the food sector, the halal phenomenon is an important aspect of lifestyle. Based on data on the consumption of halal products in the world community in 2020–2021, it reached USD 2.02 trillion (Report, 2020). The level of consumption of halal products has become a phenomenon in this era.

The halal phenomenon has become a social phenomenon. It was preceded by an incident indicating the presence of pork elements in 34 food and beverage products circulating in the community. The products allegedly contain shortening, lard, and gelatin (Faridah, 2019). Shortening is solid fat derived from animals, lard is pig – derived oil, and gelatin is the animal protein extracted from animals (Aminullah, 2018). Based on this experience, the Government of Indonesia as the highest authority established the Indonesian Ulama Council Food, Drug and Cosmetic Assessment Institute (LPPOM MUI). This institution was established on January 6, 1989, through MUI Decree Kep./18/MUI/I/1989. This institution has the task of examining products that will be certified halal.

Along the way, the Government of Indonesia responded to opportunities regarding halal certification; the Government issued Law No. 33 of 2014 concerning Halal Product Guarantee. Before the existence of this law which contains halal certification and its mechanisms, the institution authorized to administer halal certification is monopolized by the "Indonesian Ulema Council (MUI)" and the implementation of halal certificates is still voluntary. However, after this law was passed, the authorized institution was not only monopolized by one institution, but several institutions took part in the implementation of the Halal Product Guarantee, including the Indonesian Ulama Council (MUI), the Halal Product Guarantee Agency (BPJPH) and the Halal Examining Agency (LPH), each of which had its own authority under the law and the implementation of halal certification changed to mandatory (binding) (Faridah, 2019).

The existence of Law No. 33 of 2014 has the impact of shifting the authority of halal certification from MUI to BPJPH. This change causes social conflict in the community. Factors of authority and power cause conflicts that occur. The difference between the two lies in a sign that is in various powers and positions in social settings. The discourse between power and authority often places agents (actors) at the top and bottom of a structure (Kusnah, 2016). Another conflict that occurs is the comparison of MUI halal certification prices of IDR 4,000,000 and BPJPH IDR 650,000, the emergence of logos, confusing registration flows and potentially more expensive due to additional costs such as accommodation, auditor fees, and laboratory tests (Sidiq, 2022). However, the structural theory is needed to reconcile between power, authority as a structure and the general public as an agent in the phenomenon of changes in certification authority.

The Theory used in this research uses Anthony Giddens' (hereafter Giddens) structuration theory. One of the specific tasks of structuration theory is to examine the various conditions in the organization of social systems that guide the feedback between them. According to Giddens' conception, the same structural properties are active in the subject (actor) as they are in the object (society) (Giddens, 2009). Structuration theory is also closely related to the duality that views the relationship between actors (actions) and continuous structures (Suminar, 2020). This duality has a view as a norm of action in various spaces and times which is simultaneously the result and means of continuous action (Herry – Priyono, 2003).

This research on the relationship between agents and structures using Giddens' theoretical framework has been conducted several times, including by Kodir (2014), Octaviani (2014), Nuruzzaman (2017), Azizah (2019), Simamora et al. (2019), Yu (2019), Suminar (2020), Puspitasari and Ruwaida (2021), Kuba and Humeira (2021). In addition,

research on changes in halal authority in Indonesia such as those conducted by Sayekti (2014), Suparto et al. (2016), Suriyani (2019), Akim et al. (2019), Wirdyaningsih et al. (2020). The researches limited to discussing juridical law and policy analysis, it has not socially discussed that develops among the civil society, especially in the realm of agents and structures. These researches generally examine the relationship between agents involved in a social structure. This study wants to see how the relationship between agents and structures in carrying out changes in halal certification authority. This study also aims to analyze the relationship between agents and structures in changing authority and explain the duality between agents and structures from the structuration theory perspective. Using structuration theory analysis is expected to reconcile agents and structures in responding to changes in the authority of halal certification.

This type of research is descriptive–qualitative research with an interpretative approach to each core object of the problem under study. This research describes a problem that is presented and described in sentence form based on the theory used (Creswell, 2017). In simple terms, this research conducts its work naturally and seeks to understand and interpret every phenomenon within the scope of the problem (Salim, 2001).

The data collection method in this study uses a literature review, where the data obtained is taken from the internet, journals, and books related to the issue of changing the authority of halal certification. The data analysis technique uses three stages: data reduction, data presentation and conclusion drawing and verification. Data reduction is the process of selecting, simplifying, abstracting, and converting data obtained by the author. Data presentation describes conclusions from some information arranged in the withdrawal and taking action in the form of narrative text. Conclusion drawing and verification is the search for the meaning of each phenomenon that occurs, which is presented loosely and openly. Literature review techniques are used in analyzing good research conducted by the author and other parties who have studied changes in halal certification authority. The literature review is obtained from the internet, newspapers, journals, and books related to changes in the authority of halal certificates.

The author uses a framework in this research. The framework begins by observing the social phenomena that occur in the change in halal certification authority from MUI to BPJPH. The phenomenon that occurs is seen from the perspective of the parties involved, each of which has different interests, namely business actors, MUI, LPH, and BPJPH. In this study, business actors become agents implementing halal certification, while Law No. 33 of 2014 becomes a structure with legitimacy and dominance.

INDONESIA ULAMA COUNCIL (MUI): HISTORY AND ROLE IN HALAL CERTIFICATION

The Indonesian Ulama Council (MUI) is an independent institution used as a forum for the discussion of Ulama and Muslim scholars in Indonesia, which functions to guide, foster and protect Muslims in Indonesia. MUI was established during the government of President Soeharto on July 26, 1975 AD, or 7 Rajab 1395 Hijri in Jakarta. MUI was established based on the results of a meeting of 26 scholars representing 26 provinces, 10 people representing Islamic mass organizations, namely Nahdhatul Ulama (NU), Muhammadiyah, Islamic Union, Islamic Tarbiyah Union (Perti), Al – Washilah, Math'alaul Anwar, Gabungan Usaha Pembaharuan Pendidikan Islam (GUPPI), PTDI, Dewan Masjid Indonesia (DMI) and Al – Ijtihadiyyah, four scholars from the Islamic Spiritual Service, the Army, Navy and Police of the Republic of Indonesia (POLRI) and 13 Muslim scholars representing individuals (MUI, 2018).

The role of MUI in the social structure is the establishment of good conditions of social life, nationality, and statehood as a result of the mobilization and participation of Muslims through the actualization of the potential of ulama and Muslim scholars through the effective mobilization of Islamic leadership and institutions to be able to foster and direct Muslims (Rahayu et al., 2019). The role of MUI in halal certification before the enactment of Law No. 33 of 2014 is an administrative, fatwa, and halal labeling. After that, the role of MUI is only to provide fatwa on issues that develop in the community about halal and haram after being registered to BPJPH.

HALAL PRODUCT GUARANTEE AGENCY: HISTORY AND ROLE IN HALAL CERTIFICATION

The history of the Halal Product Guarantee Agency (BPJPH) formation is based on the mandate of Law No. 33 of 2014, which requires the government to form an official State Agency or Institution. BPJPH is a government agency under the Ministry of Religion (Kemenag) which is given the authority to organize halal product guarantees in Indonesia. The purpose of organizing halal product guarantees is to guarantee and provide comfort, security, and safety for halal products circulating in the community. BPJPH was inaugurated on October 11, 2017, by the then Minister of Religion Lukman Hakim Saifudin (Kompasiana, 2017).

The role of BPJPH after the enactment of Law No. 33 of 2014 contained in article 6 is "to formulate and determine halal product guarantees, establish rules, standards, procedures and criteria for halal product guarantees, and issue or revoke halal certificates". In the author's view, the role of BPJPH is crucial because halal is not just a matter of products but is part of the religious commandment to consume halal products. This agency is expected to become a bridge between religion and the state and work together to guarantee and fulfill Muslims' rights in governance and religion.

FLOW OF HALAL CERTIFICATION AFTER ENACTMENT OF THE LAW. NO. 33 OF 2014

After the publication of Law No. 33 of 2014, three institutions are authorized to take care of halal certification, namely MUI, LPH, and BPJPH. Amrullah Kamsari (2019), as Head of the Halal Registration and Certification Division of the Halal Product Guarantee Agency of the Ministry of Religion, explained the flow of the halal certification process after its enactment as follows:

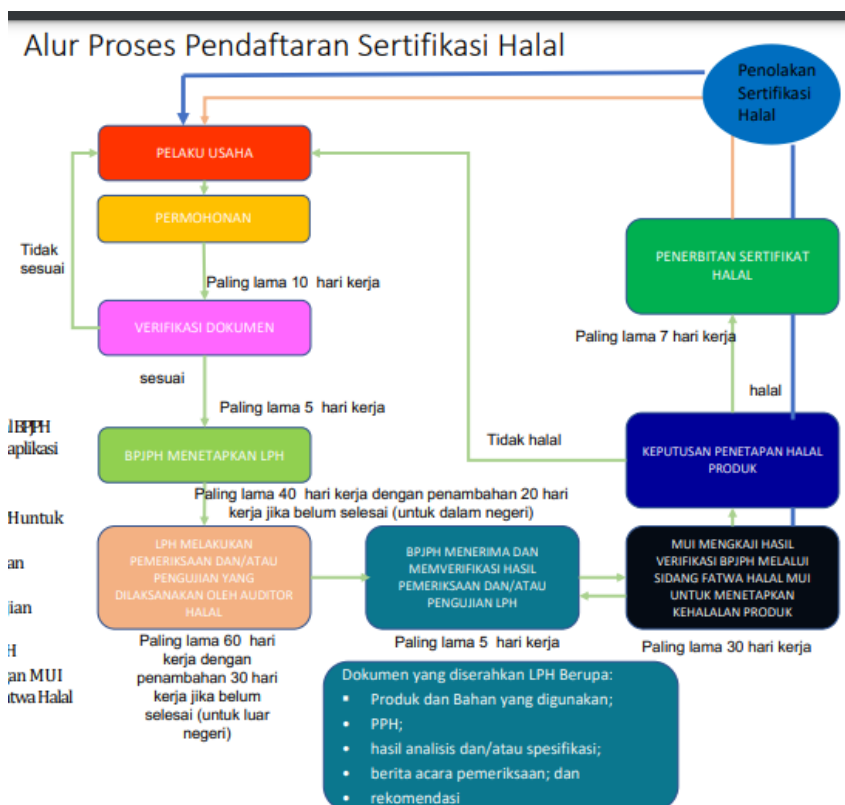


Figure 1. The flow of the Halal Certification Registration Process

Based on Figure 1. it can be understood that the flow of the halal certification process is as follows:

1. Business actors send registration document files to BPJPH online and then verify for a maximum of 10 working days through business actor data, name and type of product, and product processing.
2. BPJPH determines the LPH (Halal Guarantee Agency) in charge of examining the product for a maximum of 5 working days.
3. LPH conducts an examination of the product for a maximum of 40 working days, with an additional 20 working days if not completed for domestic products and 60 working days plus 30 working days if not completed for foreign products.
4. LPH reports to BPJPH on the documents resulting from the inspection in the form of products and materials used, Halal Product Process (PPH), analysis results, inspection minutes, and recommendations for products no later than 5 working days.
5. BPJPH coordinates with MUI regarding the halal fatwa for a maximum of 30 working days.
6. MUI issues a halal fatwa then the results are submitted to BPJPH.
7. BPJPH publishes halal certification to business actors no more than 7 working days after determining the halalness of the product.

STRUCTURATION THEORY: AGENT, STRUCTURE, SPACE, AND TIME

This theory was created by Anthony Giddens, a professor of sociology at the University of Cambridge. Giddens was born in Edmonton, North London, on January 18, 1938, into a family that worked as clerks in London Transport (Odekon, 2015). Before discussing structuration, the author discusses the separation between functionalism and structuralism. Both terms are similar in meaning from the point of view of natural origins

and objectivism. However, the two terms have differences; functionalism models systems in general organism models, and functionalists consider biology as a conceptual repository to be explored and studied to achieve their goals. Meanwhile, structuralism is defined as the application of linguistic models influenced by structural linguistics to describe social and cultural phenomena (Giddens, 2009).

The concept of structuration theory is intended to soften the view of the rigid nature of social structures. Social structures are always produced, reduced, and transformed by individual actions. Therefore, Structuration Theory describes the constructions and dynamics that are both reinforcing and inherent in social processes (Praditya, 2020). According to Giddens, the basis of the social sciences lies in social practices that take place across time and space and are not based on the experiences of individual actors or societal totality. These social practices are not presented by social actors but produced continuously by social actors through means of self – descriptions as actors (Giddens, 2010). In other words, social agents have the capacity of knowledge power, thus producing conditions that may need to be used in social activities.

Giddens' critique has two main topics, namely: (1) the relationship between structure and agency; (2) the centrality of space and time (Kodir, 2014). The following is an explanation of these two topics. First, agents are people involved in the continuous flow of action in the events that occur. Meanwhile, actors are rules and resources that are produced and reduced in the synchronization of social practices (Suminar, 2020). In this case, the concept of structuration involves the concept of structural duality, which relates to the fundamentally repetitive nature of social life and expresses the dependence of reciprocal relationships between structures and actors (agents). It means that the duality of structure results in the structural nature of social systems as both a means and an outcome of the practices that make up the system. Giddens argues that the same structural properties are active in subjects (actors) and objects (society). According to the notion of structural duality, rules, and resources are applied by agents in the course of interaction, consequently embedded in patterns of social interaction (Giddens, 2009).

Second, Giddens considers it ridiculous that space and time work in social practice. However, space and time are addressed as environments where social behavior is performed. The perception of time is basically due to the influence of the distinction between synchronicity and diachrony (Giddens, 1984). The narrowing of space in social theory stems from the anxiety of social scientists in getting rid of the sign of geographical determination (Giddens, 2009).

Giddens reveals the concrete form of the duality of structure in interaction. Actors utilize the presentation of dimensions in the structure of interaction to perform and create interactions and also as a means to reproduce various structural components of the interaction system. An overview of the statement can be seen in the following table.

Table 1. Grouping the 3 Element in Structure

Interaction	Comunication	Power	Sanctions
(Modalities)	Interpretative role	Facilities	Norm
Structure	Meaning	Dominances	Legitimacy

Source: Giddens (2019)

The picture of when these three elements are practiced in social action follows. Deliberation is a social action as an aspect of communication to understand what is written

or spoken to the interlocutor or the community. Likewise, the use of financial facilities as an economic motive is used by the leader of the deliberation (political aspect) as control (domination) over people who violate the rules (sanctions). This sanctioning is a legitimizing structure. The same interpretative pattern is also applied to people who obey the rules (norms) by giving awards (Giddens, 2009).

AGENTS IN THE IMPLEMENTATION OF HALAL CERTIFICATION

Agents are actors, either individually or in groups, that have the capacity to take action independently with awareness (Giddens, 2010). Agents perform their actions because they have the power of knowledge displayed in nature in the form of structured social practice programs. The form of reflection of agents to obtain their business interests can be realized if there is the continuity that moves the same along the same space and time (Puspitidsari & Ruwaida, 2021).

In this study, BPJPH is used as the main agent in the implementation of halal certification. The main agent in question is the primary information carrier agent regarding the implementation of halal certification so that it can be understood and implemented by business actors. In the theory of legal politics, according to Rahardjo (2000), it reveals that BPJPH, as a state agency, has ways and choices in the goals and laws that society wants to achieve. Based on this theory, it can be understood that BPJPH is free to determine how to distribute information in achieving the objectives of implementing halal certification.

Secondary agents in this study are business actors. The secondary agent in question carries information from the primary agent. Actors are part of the general public. Therefore, the flow of information about halal certification is more easily absorbed by the general public. The results of research by Ahmad & Anwar and Alqubra have a positive response to the existence of halal certification but do not fully understand the flow of information about the implementation of halal certification. Therefore, BPJPH needs to conduct more intensive socialization with business actors so that the public can also absorb information about halal certification. Information about the halalness of products through issuing halal certificates obtained by actors can be disseminated to the public (Ahmad, 2020; Alqubra, 2017).

LAW NO. 33 OF 2014 AS A STRUCTURE OF LEGITIMACY AND DOMINATION

The structure is the actual organization of transformative relations, which means that the social system as a reproduced social practice does not have a structure but displays structural completeness. The proportion in Giddens' theory is the rules and resources involved in the production and reproduction of social action as well as the media for reproducing the system (duality of structure) (Puspitidsari & Ruwaida, 2021). Structuration theory is synonymous with the concepts of structure, system, and structuration. The difference between these three concepts, according to Giddens, can be seen based on the following table

Table.2 The Different Concepts of Structuration

Structure	System	Structuration
Rules and resources, or a set of transformation relations, are organized as the complement of social systems.	The relations reproduced among actors or collectivities are organized as social practices.	The conditions that govern the recurrence or transformation of structures and hence the reproduction of social systems themselves.

Source: Giddens (2010)

The differences in Table 2. lead to the need to understand the JPH Law as a structure of legitimacy and domination. The structure studied in this research is the JPH Law. According to Giddens, there are three clusters of structures at work in social practice. First, the structure of signification concerns symbolic schemata, meaning, mention, and discourse. Second, the structure of control or domination includes schemata over people (in the political field) and goods (in economic motives). Third, the structure of justification or legitimation concerns the schemata of normative regulations contained in the legal system. The difference between the three can be seen in terms of their objectives, among others: signification for the social sphere, domination in the political sphere, and legitimacy in the legal sphere (Herry – Priyono, 2003).

Signification in this JPH Law has a social realm. The social realm means that the target is the general public at large. It can be explained by the fact that the existence of this law in Indonesia can provide comfort and peace in consuming halal products for Muslims in general. While specifically, business actors can utilize this law to promote their products because halal is synonymous with compliance in practicing religion.

Domination in this JPH Law has a political realm. In this case, politics means that each party has different interests, which can be united through this Law. BPJPH wants this regulation to run to create order in producing halal products regulated by the government. MUI, as an independent body, needs enough money to move the wheels of the organization, while business actors with the existence of the Law can expand their market share. Finally, the general public can get protection and peace in carrying out compliance with their religion.

Legitimacy in this JPH Law has a legal domain. The domain relates to the rules or norms that apply, which are binding on all related elements. This means that if anyone violates it will be subject to sanctions. In this law, the change in the nature of halal certificates from voluntary to mandatory has not been fully realized because it needs a long process. The government launched in 2024 that products in circulation must be halal certified. This causes the government to not firmly impose sanctions on business actors who do not have certification because a strong structure is needed to enforce halal certificates.

THE RELATIONSHIP BETWEEN AGENT AND STRUCTURE IN THE IMPLEMENTATION OF HALAL CERTIFICATES

The halal certificate on the product is proof that the product has met the halal procedures and criteria that have been determined by the authorized agency, namely BPJPH as the person in charge of issuing halal certification, MUI as the provider of halal fatwa and LPH as the halal product examiner. The enactment of Law No. 33 of 2014,

which provides guarantees, comfort, and peace in carrying out religious orders and consuming halal products in circulation.

Structuration theory sees the need for the duality of agents and structures to work together to create regulations that can be practiced in society. Duality is understood as the middle of dualism (agents and structures that are not continuous) in order to establish a dialectical relationship between agents and structures. The author describes agents and structures using a tripartid relationship. The following is a brief description of the tripartite relationship between the agent and the structure.

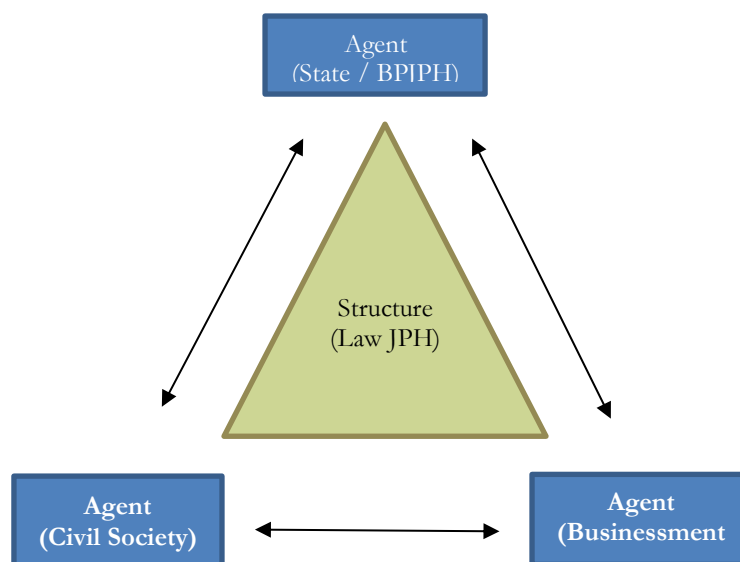


Figure 2. Tripartite Relationship Between Agent and Structure

Based on Figure 2. illustrates that the relationship between the three agents (BPJPH, business actors, and the general public) in the structure (JPH Law) must synergize with each other. BPJPH's position is at the basic level as a lawmaker and oversees the implementation of halal certification. This law is a legal umbrella for regulating the technical implementation of this law. The relationship between BPJPH and business actors is that BPJPH plays a role in facilitating halal certification for business actors. It is hoped that all business actors can obtain halal certificates.

Meanwhile, the relationship between business actors and the general public is that business actors get more benefits related to promoting their products that already have a halal certificate. Finally, the relationship between the community and BPJPH is creating a sense of peace, harmony, and protection of rights in consuming food and beverages in circulation. Furthermore, the relationship between the agents involved in the structure can better understand the dynamics of agents and structural changes in the change of authority of this halal certificate.

CONCLUSION

Based on this explanation, the relationship between agents and structures in changing the authority of halal certificates has a dialectical relationship, where both affect each other. The relationship between agents and structures in this change in authority can be a duality that supports each other which has been described as a "tripad" relationship. The dialectic between agents and structures is seen as resolving the interests of different agents. The interests of the agents have positive benefits or objectives, including providing a sense

of peace and consumer protection, controlling products in circulation, and expanding market share. Conversely, if the interests of the agents cannot run in harmony, it can lead to conflicts and polemics circulating in the community. By using the analysis of structuralization theory described by the tripod relationship, it is hoped that it can prevent conflicts and polemics due to changes in halal certification authority.

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