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## **Legality of using *hypnobirthing* in obstetrical and gynecological practice (obgyn doctor) in Indonesia**

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**Abstract.** Healthy life is a constitutional right that every citizen has. Various efforts to achieve a healthy life are carried out in various ways in line with the development of science and technology. This effort is carried out by providing a guarantee of healthy life protection from the time the baby is in the womb. The implementation is to provide health services to pregnant women. Pregnant women generally experience high levels of anxiety.

**Keywords.** healthy; legality, hypnobirthing

### **Introduction**

Healthy life is a constitutional right that every citizen has. Various efforts to achieve a healthy life are carried out in various ways in line with the development of science and technology. This effort is carried out by providing a guarantee of healthy life protection from the time the baby is in the womb. The implementation is to provide health services to pregnant women. Pregnant women generally experience high levels of anxiety.

### **Research Problem**

This study analyzes the problem with formulation: What is legality of using *hypnobirthing* in practice of Obstetricians and Gynecologists (Obstetricians) in Indonesia.

### **Research Method**

This research is a normative legal research.[1]

### **Research Result and Discussion**

#### ***Hypnobirthing***

Hypnobirthing is referred to as a method of treatment based on hypnotherapy. While hypnotherapy is the development of basic knowledge, namely hypnosis. The purpose of hypnotherapy is to condition the patient or client in a relaxed and suggestive state. [2] The mention of a patient when it is performed by a doctor, while the mention of a client when the hypnotherapy service provider is a therapist (not a doctor). Hypnosis and hypnotherapy are

terms that are often used interchangeably, however, there is an important difference in hypnotherapy which uses hypnotic techniques for a specific purpose client.

*Hypnobirthing* is a development of Hypnosis. Hypnosis is “a procedure in which a person experiences suggested changes in sensation, perception, thought or behavior”. It is a state of “intense absorption, concentration, and focus”[3] in which the person experiencing it is fully aware. Hypnosis has been likened to a daydream-like state or enthralled with a riveting film. In this state, the individual chooses to “tune-out” or to reassess certain stimuli to focus more on the object of attention. Theoretically, this entry allows activation of the subconscious mind, which allows it to override habitual behaviors or previous patterns set by the conscious mind.[4]

*Hypnobirthing* is part of the self-hypnosis process that aims to make childbirth enjoyable, without unnecessary pain. Hypnosis techniques practiced during proper labor have been used since the 1950s, though the name may not be as well known today. At that time, one of the functions of hypnosis was to respond to the worries and fears of pregnant women by treating pain during childbirth.

*Hypnobirthing* was coined by Mogan [3] This therapy is given to pregnant women and women who are about to give birth to prevent excessive feelings of anxiety, and reduce pain during childbirth, and the woman is in good condition, so that the fetus is in a good prenatal environment and it is hoped that when born it can grow and develop normally.[5]

The way to hypnotize yourself is to create your own visual images, listen to relaxing music, meditate, relax your body's muscles, or talk to yourself. Self-hypnosis itself consists of various techniques that can be used by mothers during childbirth. This technique is very useful for reducing pain and emotional distress during labour, without the need for anesthetics.[6]

*Hypnobirthing* uses a psychological approach. The rationale for Health Psychology is that there is a relationship between the human mind (mind) and the body. Research shows that psychosocial variables, personal (excessive behavior), certain habits can increase the risk of chronic disease, accidents and injuries. For example, the behavior of eating too much in restaurants that contain MSG (vetsin) increases the risk of diseases that are at risk of the digestive tract. So, diseases that cause a relationship between mind (mind) and behavior are called Psychosomatics, which in medicine is one of the subspecialties of internal medicine. According to the psychosomatic approach, specific psychological disorders will also cause specific diseases. In the behavioral medicine and health psychology approaches, not only specific psychological conditions affect the body and disease, but all psychosocial functions, such as poor eating habits, smoking and a stressful lifestyle, will in fact affect health. Psychological approaches include: analytic psychological approaches and behavioristic approaches. Psychoanalytic approaches are used to analyze the level of anxiety and awareness of the patient or client being treated. Meanwhile, the behavioristic approach is used to examine patient/client experience obtained through learning process stimulus and response that has been experienced. U.S. Department of Education, Human Services Division stated that; “*Hypnosis is by-pass of critical factor the conscious mind followed by the establishment of acceptable selective thinking*” or “Hypnosis is the penetration in critical factor of conscious mind followed by receipt a thought or suggestion.”[7]

In treatment with the *hypnobirthing* method, a calm and peaceful state of mind will provide a positive emotional atmosphere for pregnant women and thus have an impact on a good prenatal environment for the fetus. [8]

Some benefits obtained through use of hypnobirthing method, namely a sense of calm, relaxed and comfortable. At a certain level, *hypnobirthing* with relaxation will minimize stress

and fear and worry before birth which can cause tension, pain and pain during childbirth. Mothers can enjoy a comfortable atmosphere, both during pregnancy and before delivery. This is very necessary for mother, smooth delivery process. In addition, *hypnobirthing* can also eliminate negative recordings and instill positive recordings about childbirth. Stories related to the "torture" of childbirth that mothers get from other people or information that can increase the anxiety of mothers facing childbirth are considered as negative recordings. For mothers who do *hypnobirthing*, the birth process will actually be a positive record

Relaxation conditions will improve the performance of the parasympathetic nervous system and increase the levels of endorphins in the body to reduce pain during contractions. Endorphins are neuropeptides produced by the body when relaxed or calm, which are produced in the brain and spinal cord, can make mother able to control the sensation of pain during contractions, reduce the risk of complications in childbirth and the risk of undergoing surgery and can speed up postnatal recovery. -partum. Hypnobirthing through communication techniques with the fetus will increase the inner communication between mother and baby since they are in the womb.

### **Legality of Using Hypnobirthing in the Practice of Ob-gyn Doctors**

The ob-gyn doctor deals with health issues during pregnancy and childbirth. This includes fertility problems, treatment before pregnancy, during pregnancy, and after childbirth, including: Ectopic pregnancy, or pregnancy outside the uterus., Placental abruption, namely the placenta that is released from the womb prematurely., Preeclampsia, which is characterized by high blood pressure height, leg swelling, and protein discharge through the urine, Premature Birth, Baby's shoulder stuck during childbirth (shoulder dystocia), Prolapsed umbilical cord, namely the umbilical cord that comes out before the baby, then gets stuck, Bleeding during or after childbirth, Uterine rupture, the occurrence of tears in the lining of uterus, Sepsis. Ob-gyn doctors also strive for health in female reproductive system which includes health of the reproductive organs, examinations, and treatment. For example, problems related to the vulva and vagina such as vulvovaginitis and nonmenstrual vaginal bleeding; problems related to ovaries and fallopian tubes such as ectopic pregnancies, endometriosis, PCOS, to cysts or tumors on the ovaries; to menstrual septar problems, such as irregular menstruation, very painful PMS, to menopause. Gynecology services can also include treating breast-related problems. Some other services that can be handled by a gynecologist include: HPV vaccination, Abnormal vaginal discharge, Urinary tract infections, Sexually transmitted diseases or venereal diseases.

Based on Article 1 paragraph (1) Permenkes No. 2052/MenKes/Per/X/2011 concerning License to Practice and Implementation of Medical Practices, "Medical practice is a series of activities carried out by doctors towards patients in carrying out health efforts". The use of *hypnobirthing* method is carried out as part of an effort to heal. There are no specific laws governing *hypnobirthing*. The following is a Regulation of Minister Health which can be interpreted as a legal instrument for the use of *hypnotherapy* as a method of treatment.

### **Based on the Regulation of Minister Health in Republic Indonesia Number 1109 year 2007 concerning by Implementation Complementary – Alternative Medicine in Health Service Facilities(Permenkes 1109/2007).**

Permenkes 1109/2007 provides a definition of complementary medicine, namely: non-conventional medicine that aims to improve public health status through promotive, preventive, creative and rehabilitative efforts that are obtained Structured education with high quality,

safety and effectiveness based on science biomedicine, which has not been accepted in conventional medicine. Whereas service integration according to Article 1 paragraph 8 Permenkes 1109/2007, is the unification/combination of part or all of complementary-alternative medicine in health services at all levels of health facilities, including aspects of regulation, financing and policies regarding the delivery of services and drugs used.

The various complementary-alternative medicine treatments in Article 4 are carried out based on biomedical science, namely:

- a. *body and mind interventions*
- b. *Alternatif systems of medical practice*
- c. *manual healing methods*
- d. *Pharmacologic and Biology Treatments*
- e. *Diet and nutricion the prevention and treatment of disease)*
- f. *Other ways of diagnosis and treatment (Unclassified Dignostic and treatment methods)*

The method of treatment with a scientific basis is hypnotherapy, which is a type of treatment by carrying out mind and body interventions as stipulated in Article 4 paragraph (1) point Permenkes 1109/2007

Complementary – alternative medicine services are doctors and dentists and other health workers with the following conditions:

- a. have a letter of assignment / SIK-TPKA in accordance with applicable regulations,
- b. have a certificate of competence in accordance with the field of expertise,
- c. Get recommendations from related professional organizations

Referring to provisions in Permenkes 1109/2007, there is no explicit article regarding hypobirthing, but implicitly based on the interpretation, that hypnobirthing performed by ob-gyn doctors is classified as complementary - alternative medicine, with requirement to have a Certificate of Registration of Complementary-Alternative Medicine Personnel (SBR-TPKA) and Letter of Assignment for Complementary-Alternative Medicine Personnel (ST-TPKA)/Work Permit for Complementary-Alternative Medicine Personnel (SIK-TPKA), issued by Head of Provincial Health Office. In terms of authority and competence for *hypnobirthing* by ob-gyn doctors, it should be regulated by the Obstetrics and Gynecology Association (POGI).

This provision in Permenkes 1109/2007 is repealed by Article 23 of Minister of Health Regulation Number 37 year 2017 concerning Integrated Traditional Health Services. (Permenkes 37/2017).

**Based on Minister of Health Regulation Number 37 year 2017 concerning Integrated Traditional Health Services (Permenkes 37/2017).**

In Article 1 paragraph 1 it is stated that Integration Traditional Health Services are a form of health service that combines complementary traditional health services, both complementary and substitute in certain circumstances. Permenkes 37/2017 does not provide provisions regarding types of complementary traditional health services. In Article 6, it is regulated that Integration Traditional Health Services are carried out with the following procedures:

- a. a holistic approach by examining the physical, mental, spiritual, social, and cultural dimensions of the patient.

- b. using relationships with effective communication between health workers and patients
- c. given rationally
- d. performed with the consent of the patient
- e. prefer a natural approach
- f. enhance self-healing abilities
- g. individualized therapy.

Permenkes 37/2017 stipulates that integrated traditional health service delivery facilities include hospitals and health centers. Implementation by hospital is based on recommendations from Medical Committee. The recommendations contain:

- a. the results of the credentials of medical staff and traditional health workers who will carry out Integration Traditional Health Services.
- b. types and modalities of traditional health services to be integrated
- c. clinical area/indication of integrated traditional health services.

Article 11 stipulates that patients must first register for conventional treatment and get an examination and diagnosis from the Doctor in Charge of Service (DPJP).

In the interpretation of Permenkes 37/2017, *hypnobirthing* carried out by ob-gyn doctors is categorized in management as stipulated in article 6, and the doctor who performs in *hypnobirthing* acts as the Doctor in Charge of Service (DPJP). Obgyn doctors who use *hypnobirthing* method, based on Permenkes 15/2018, must have competence and get recommendations from Medical Committee at hospital, or on the recommendation in Service Team determined by Regency/City Service.

This rule regarding management still leaves normative problems because it does not mention criteria for complementary traditional medicine as in Permenkes 1109/2007 which has been revoked.

### **Based on Minister Health Regulation Number 15 year 2018 concerning Implementation of Complementary Traditional Health Services (Permenkes 15/2018).**

Article 1 paragraph 2 Permenkes 15/2018 uses the term Complementary Traditional Health Services, namely the application of traditional health that utilizes biomedical and biocultural sciences in its explanation and its scientifically proven benefits and safety.

Furthermore, in Article 5 paragraph (2) of Minister Health 15/2018, it is stated that concept of traditional health services includes:

- a. the existence of individual health problems caused by an imbalance of physical, mental, spiritual, social and cultural elements
- b. humans have the ability to adapt and heal themselves (self-healing)
- c. the health process is carried out with a holistic (comprehensive) and natural approach that aims to rebalance between adaptive abilities and the causes of health problems

Article 6 paragraph (2) stipulates that Complementary Traditional Health Services are classified into:

- a. manual technique.
- b. energy engineering
- c. Thought technique.

Based on these provisions, hypnotherapy-based hypnobirthing is categorized as complementary traditional medicine because it uses thought processing techniques. This thought technique aims to utilize mind's ability to improve body functions.

Permenkes 15/2018 adds Griya Sehat, as one of facilities for providing complementary traditional medicine. Complementary Traditional Health Workers are required to have a Traditional Health Worker Registration Certificate (STRTKT) as proof of written authority to provide parliamentary traditional health services.

### **Conclusion**

The legality of using the *hypnobirthing* method in ob-gyn practice has not been specifically normalized. The problem of this void norm being legalized based on interpretation by Regulation of Minister Health Republic Indonesia Number 1109 year 2007 concerning the Implementation of Complementary – Alternative Medicine in Health Service Facilities, which regulates the administration of treatment in form of body and mind (body and mind intervention); Regulation of Minister Health Number 37 year 2017 concerning Integrated Traditional Health Services, which is interpreted as treatment given rationally by increasing self-healing abilities; as well as based on Minister Health Regulation Number 15 year 2018 concerning Implementation of Complementary Traditional Health Services (Permenkes 15/2018), in the classification treatment with thought processing techniques. However, by not explicitly mentioning it in written legal sentences (norms), it can lead to multiple meanings (multiple interpretations) and does not guarantee legal certainty. Therefore, a new standard of *hypnobirthing* is needed by obstetricians and gynecologists.

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