Mapping Two Decades of Negligence Law: A Comprehensive Bibliometric Analysis

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ABSTRACT

This study provides a bibliometric assessment of research trends on negligence and the law over the past two decades, offering an empirical overview of how scholarly attention to this foundational area of tort has evolved. Although negligence remains a central pillar of legal liability, existing literature has become increasingly fragmented across jurisdictions and interdisciplinary perspectives, creating a need for an integrated mapping of its intellectual development. To address this gap, data were collected using Scopus advanced searching, yielding a final dataset of 508 publications. The dataset was cleaned and harmonised using OpenRefine to ensure accuracy and consistency, while descriptive statistics and graphical outputs were generated through the Scopus Analyzer. Network structures including co-authorship, keyword cooccurrence, and citation patterns were visualised using VOSviewer to identify thematic clusters, influential contributors, and emerging research fronts. The numerical results reveal notable growth in publication volume, a concentration of contributions from common law jurisdictions, and the emergence of new thematic directions such as patient autonomy, professional accountability, and comparative negligence frameworks. Co-occurrence mapping shows the dominance of core concepts including duty of care, standard of care, causation, and medical negligence, while collaboration analysis highlights relatively modest but increasing international partnerships. Overall, the findings underscore both the doctrinal continuity and conceptual diversification of negligence scholarship, reflecting the field's responsiveness to evolving social, technological, and regulatory conditions. This study not only consolidates two decades of research but also provides a structured foundation for future inquiry by identifying influential themes, underexplored areas, and opportunities for interdisciplinary collaboration.

Keywords: negligence, law, tort, bibliometric.

INTRODUCTION

Negligence is a concept in tort law, representing a failure to exercise the care that a reasonably prudent person would exercise in like circumstances. According to Alderson B. in *Blyth v Birmingham Waterworks Co.* (1856) 11 Exch 781, negligence is a failure to act as a reasonable person would, either by not doing what should be done or by doing what should not be done. This concept has since evolved to encompass various domains, including medical malpractice, environmental law, and economic loss (Hodgson, 2009; Razman et al., 2012a). The core elements of negligence include duty of care, breach of duty, causation, and damages (Orr, 2024). These elements must be proven for a successful negligence claim, making the concept both complex and multifaceted (Norchaya Talib, 2021).

The problem of negligence is pervasive across different sectors. In the medical field, negligence can lead to severe consequences for both patients and healthcare providers. Cases such as irreversible brain injuries at birth of the baby, *Thaqif Asyraf bin Khairol Nizam v Government of Malaysia & Ors* [2023] MLJU 2497, that happened in Malaysia and the infant amputation case in Nepal highlight the critical need for robust legal frameworks to ensure justice and accountability (Shrestha et al., 2025). Similarly, in the environmental sector, negligence laws are crucial for holding companies accountable for pollution and environmental damage (Al Fikri, 2022; Razman et al., 2012b). The complexity of proving negligence, particularly in cases involving multiple causative factors, underscores the need for continuous legal refinement and clarity (Bagaric & Erbacher, 2011; Manning, 2007).

The need to study negligence arises from its significant impact on both individuals and society. Understanding

negligence helps in developing legal frameworks that protect individuals' rights while promoting responsible behavior. For instance, the application of negligence law in environmental sustainability emphasizes the protection of individual rights against pollution, contributing to sustainable development (Manning, 2007). Moreover, the evolving nature of negligence in the context of technological advancements, such as artificial intelligence (AI) in healthcare, necessitates ongoing research to adapt legal standards to new challenges (Chan, 2025).

The literature on negligence covers various key concepts and debates. One major area of discussion is the standard of care, which is often defined by the "reasonable man" standard (Ben-Shahar & Porat, 2016). This standard is objective, requiring individuals to act as a typical member of their community would (Ben-Shahar & Porat, 2016). However, there is a growing argument for personalizing this standard based on the specific characteristics and capabilities of the individual involved (Ben-Shahar & Porat, 2016). Another critical concept is the duty of care, which has been extensively analyzed in landmark cases such as *Donoghue v. Stevenson and Caparo v. Dickman* [1932] AC 562. This case has shaped the understanding of duty and its implications in negligence law. After establishing a duty of care, the plaintiff must show that the defendant breached it by failing to meet the standard of care expected of a reasonable person, assessed using the reasonable man test and the foreseeability of harm (Norchaya Talib, 2021).

Causation is another complex aspect of negligence, often determined by the "but for" test (Manning, 2007). This test requires proving that the harm would not have occurred "but for" the defendant's actions. (Manning, 2007). However, liability arises only if the damage is not too remote, meaning it was a reasonably foreseeable consequence of the defendant's act, as affirmed in *The Wagon Mound* case [1961] AC 388 , which replaced the direct consequences rule with the foreseeability test (Norchaya Talib, 2021). The relationship between negligence and recklessness is also debated, with some scholars arguing that both concepts involve a disregard for others' interests, differing mainly in the degree of foresight and carelessness (King, 2021).

Accordingly, the study of negligence is crucial for developing legal systems that balance individual accountability with societal protection. The evolving nature of negligence, influenced by technological advancements and changing societal norms, necessitates continuous research and legal refinement. By understanding the key concepts and debates in negligence law, we can better address the challenges and implications of negligence in various contexts, from medical malpractice to environmental sustainability. This study aims to contribute to this ongoing discourse, providing insights and recommendations for improving legal frameworks and ensuring justice for all parties involved.
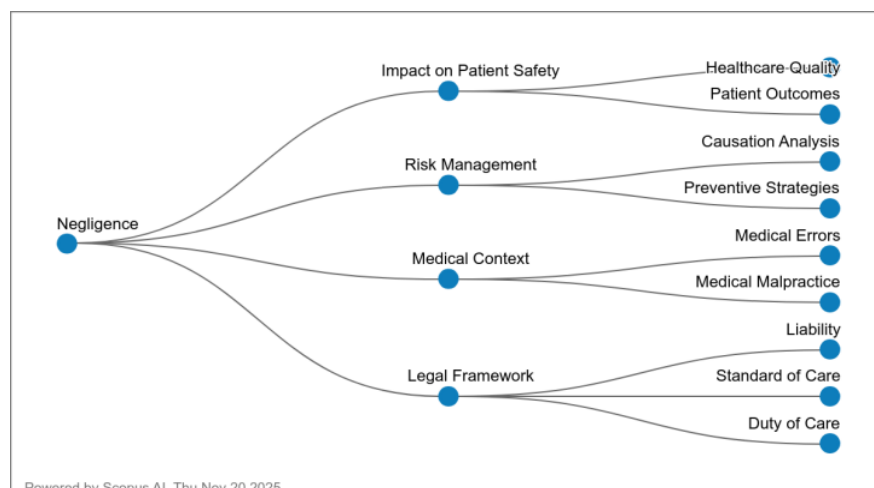

Figure 1. Key concepts generated on negligence and the law

Figure 1 presents a concept map illustrating four major domains linked to the central legal concept of negligence, each branching into a total of twelve connected sub-concepts. Moving from left to right, the map begins with negligence as the foundation principle and expands into domains. The first domain, impact on patient safety, connects negligence to systemic concerns such as healthcare quality and patient outcomes, showing how legal lapses directly harm safety. The second domain, risk management, highlights organisational duties through causation analysis and preventive strategies, emphasising the need for structured approaches to avoid negligent

acts. The third domain, medical context, focuses on medical errors and malpractice, demonstrating how negligence manifests in clinical environments. The final domain, legal framework, links to duty of care, standard of care, and liability, representing the doctrinal structure governing negligent conduct. These concepts illustrate how negligence moves from a general legal wrong to specific safety impacts, operational management needs, clinical consequences, and formal legal obligations. Overall, the map shows that understanding negligence requires integrating practical, medical, and doctrinal perspectives to ensure accountability and enhance protection.

Research Questions

This study investigates the following five research questions:

RQ1: What are the research trends of negligence and the law according to the year of publication?

RQ2: What are the top 10 cited articles of negligence and the law?

RQ3: Which are the top 10 countries on negligence and the law based on number of publication?

RQ4: What are the popular keywords related to negligence and the law?

RQ5: What are co-authorship by countries' collaboration of negligence and the law?

METHODOLOGY

Bibliometrics entails the systematic collection, organization, and quantitative evaluation of bibliographic information derived from scientific outputs (Alves et al., 2021; Assyakur & Rosa, 2022; Verbeek et al., 2002). In addition to foundational descriptive metrics, such as identifying core journals, publication timelines, and prolific authors (Wu & Wu, 2017), the field incorporates advanced analytical methods, including document cocitation analysis, to map intellectual structures within a research domain. A rigorous literature review demands an iterative and methodologically precise process of keyword formulation, database searching, and critical synthesis to construct a robust evidence base and ensure analytical reliability (Fahimnia et al., 2015).

This study centred on high-impact publications, as these works offer deeper insights into the theoretical underpinnings and developmental trajectory of the field. To safeguard data validity, SCOPUS was used as the main data source (Al-Khoury et al., 2022; di Stefano et al., 2010; Khiste & Paithankar, 2017), complemented by a deliberate restriction to peer-reviewed journal articles to maintain scholarly rigor and exclude less formal literature, such as books and lecture notes (Gu et al., 2019). This study compiled relevant publications on negligence from the year 2005 until November 2025 for analysis by using Elsevier's Scopus, which is renowned for its extensive and high-quality indexing.

Data Search Strategy

The search strategy for this study was developed using Scopus Advanced Search to ensure comprehensive coverage of peer-reviewed work on negligence within legal and regulatory contexts. The search string applied was TITLE (negligence AND (law OR rule OR ruling OR polic* OR legal OR regulat* OR governance OR princip* OR convention OR ethic*)) AND PUBYEAR > 2004 AND PUBYEAR < 2026 AND (LIMIT-TO (LANGUAGE , "English")), which was designed to restrict retrieval to titles containing the substantive term negligence coupled with at least one legal or governance-related concept. This formulation enabled the dataset to focus specifically on studies where negligence is directly linked to law, policy, regulation, governance principles, ethics, or formal rules, rather than broader psychosocial or educational discussions that do not engage with legal analysis. The publication year filter, spanning 2005 to 2025, ensured that the review captured twenty years of scholarship corresponding to the maturing of negligence legislation and policy discourse globally, including shifts from early descriptive studies towards more normative and regulatory analyses in later decades. The language filter, set to English only, was applied to maintain methodological consistency and avoid interpretive bias. The search was conducted in November 2025, which establishes a clear boundary for reproducibility and ensures that the dataset reflects the latest available publications up to that date.

An initial search identified 508 records meeting the search parameters. These were screened using clear inclusion and exclusion criteria: only English-language publications from 2005–2025 were included, while nonEnglish works and those published before 2005 were excluded. The temporal limitation was justified because earlier literature on negligence was comparatively underdeveloped in legal and policy terms and tended to emphasise behavioural psychology rather than regulatory frameworks. Applying these criteria reduced the dataset to 264 documents, excluding 244 records. This outcome indicates that the search strategy was effective in capturing relevant legal scholarship with minimal irrelevant material. The final corpus is methodologically robust and well suited for bibliometric analysis, covering a wide range of legal perspectives on negligence, including legislation, institutional duties, governance frameworks, and regulatory mechanisms across jurisdictions. It provides a coherent and reliable foundation for analysing conceptual trends, citation patterns, and the evolution of negligence in legal scholarship over time.

Table 1. The search string

Source	Search string
Scopus	TITLE (negligence AND (law OR rule OR ruling OR polic* OR legal OR regulat* OR governance OR princip* OR convention OR ethic*)) AND PUBYEAR > 2004 AND PUBYEAR < 2026 AND (LIMIT-TO (LANGUAGE , "English")) Access date: November 2025

Table 2. The selection criterion of searching

Criterion	Inclusion	Exclusion
Language	English	Non-English
Timeline	2005 – 2025	< 2005 > 2025

Data Analysis

This study adopts VOSviewer, which is developed by Nees Jan van Eck and Ludo Waltman at Leiden University (van Eck & Waltman, 2010, 2017). It is a bibliometric software designed to support the visualisation and systematic analysis of scientific literature. Its intuitive and interactive interface enables researchers to construct complex network visualisations, execute clustering analyses, and generate density maps. The software allows for the mapping of co-authorship networks, co-citation structures, and keyword co-occurrence patterns, offering comprehensive insights into scholarly communication dynamics. Ongoing technical enhancements and methodological refinements have strengthened its analytical capacity, ensuring accessibility for both novice researchers and advanced users working with large bibliometric datasets.

VOSviewer able to translate complex bibliometric data into visually accessible maps that reveal thematic clusters, keyword linkages, and citation relationships with exceptional analytical clarity. Unlike traditional bibliometric tools, VOSviewer combines methodological rigor with user-friendly design, enabling crossdisciplinary applicability. Its emphasis on network visualisation and density mapping ensures precise and meaningful representations of research landscapes.

For this study, publication metadata, including year, title, authors, journal source, citation count, and keywords were exported from Scopus in PlainText format for the period of 2005 to November 2025 and analysed using VOSviewer version 1.6.20. Methodologically, VOSviewer offers an alternative to Multidimensional Scaling (MDS) by positioning items in a low-dimensional space based on their degree of relatedness (van Eck & Waltman, 2010b). While conceptually comparable to MDS (Appio et al., 2014), VOSviewer employs the c^{ij} association strength normalisation measure (Van Eck & Waltman, 2007), defined as $AS_{ij} = \frac{c_{ij}}{w_i w_j}$, where c_{ij} is the observed co-occurrence and w_i, w_j denote item frequencies. This technique enhances the accuracy of similarity estimations, making VOSviewer particularly effective in uncovering latent structures within scholarly domains.

FINDINGS AND DISCUSSION

This section examines the five research questions as follows:

Research Question 1 (RQ1): What are the research trends of negligence and the law according to the year of publication?

The publication trend on "negligence and the law" between 2005 and 2025 demonstrates a gradual but fluctuating growth in scholarly attention as shown in **Figure 2**.
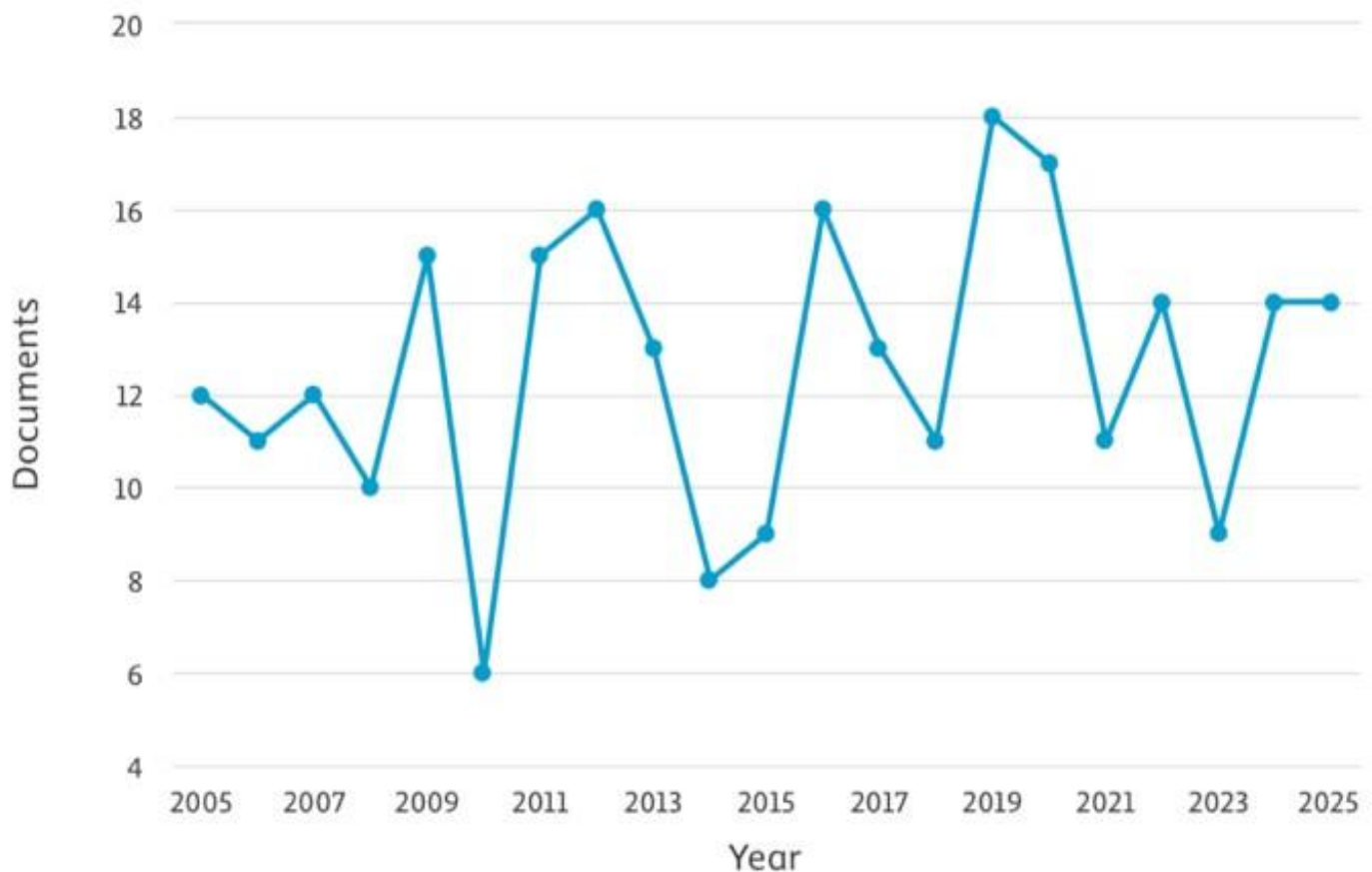

Documents by year

Figure 2. Publication trend by year of publication

The publication trend for the topic "negligence and the law" from 2005 to 2025 reveals a steady pattern with periodic surges in scholarly interest. Early years such as 2005–2009 show moderate output, fluctuating between 10 and 15 publications, suggesting a stable yet unspectacular research footprint at the time. A noticeable dip appears in 2010 with only 6 publications, followed by a recovery in subsequent years, peaking again in 2012 and 2016 with 16 publications each. The period from 2017 to 2020 shows sustained productivity, culminating in the highest count in 2019 with 18 publications, which may reflect renewed academic focus on tort reform, patient safety debates, and interdisciplinary applications of negligence principles across medical, corporate, and regulatory sectors.

From 2021 onwards, the trend remains relatively strong, with counts consistently ranging between 9 and 14 publications per year. The slight rebound in 2022 (14 publications) and the matching totals in 2024 and 2025 suggest continued relevance of negligence-related inquiries, possibly driven by post-pandemic litigation issues, healthcare system failures, and global regulatory reforms that intensified scholarly discussions on standards of care and liability. The overall pattern indicates that negligence remains a dynamic research field, with publication fluctuations likely tied to real-world events, legal developments, and emerging areas of risk management that prompt renewed academic engagement.

Research Question 2 (RQ2): What are the top 10 cited articles of negligence and the law?

Table 3 is the list of top 10 cited articles on the topic of negligence and the law.

Table 3: Top 10 cited articles

Authors	Title	Year	Source title	Citation count
Beever, A.	Rediscovering the Law of Negligence	2007	Book	137
Uma, P.K.; Ramani, P.; Sherlin, H.J.; Sukumaran, S.; Jayaraj, G.; Don, K.R.; Santhanam, A.	Knowledge about legal aspects of medical negligence in India among dentists-a questionnaire survey	2020	Medico-Legal Update	48
Ben-Shahar, O.; Porat, A.	Personalizing negligence law	2016	New York University Law Review	48
Bismark, M.M.; Gogos, A.J.; McCombe, D.; Clark, R.B.; Gruen, R.L.; Studdert, D.M.	Legal disputes over informed consent for cosmetic procedures: A descriptive study of negligence claims and complaints in Australia	2012	Journal of Plastic, Reconstructive and Aesthetic Surgery	41
Stark, F.	Culpable carelessness: Recklessness and negligence in the criminal law	2016	Book	40
Zipursky, B.C.	Reasonableness in and out of negligence law	2015	University of Pennsylvania Law Review	36
Price, K.	Medical Negligence in Victorian Britain: The Crisis of Care under the English Poor Law, c. 1834-1900	2015	Book	35
Pandit, M.S.; Pandit, S.	Medical negligence: Coverage of the profession, duties, ethics, case law, and enlightened defense - A legal perspective	2009	Indian Journal of Urology	27
Bismark, M.M.; Gogos, A.J.; Clark, R.B.; Gruen, R.L.; Gawande, A.A.; Studdert, D.M.	Legal Disputes over Duties to Disclose Treatment Risks to Patients: A Review of Negligence Claims and Complaints in Australia	2012	PLOS Medicine	24
Montanari Vergallo, G.M.	Negligence and embryo protection: a new frontier for medical law?	2014	Medicine and Law	23

The citation pattern among the ten most influential publications on negligence and the law highlights two dominant strands of scholarship: foundational theoretical work and medical-law-driven empirical research. Beever's Rediscovering the Law of Negligence (2007), with 137 citations, stands out as the most influential source, reflecting its role in reshaping doctrinal understanding of negligence and offering a rigorous philosophical account of duty, breach, and the moral structure of tort law (Beever, 2007). The prominence of highly cited doctrinal works such as Ben-Shahar & Porat (2016) "Personalizing negligence law" and Stark (2016) "Culpable Carelessness" illustrates sustained academic investment in re-evaluating standards of reasonableness and culpability within both civil and criminal contexts. These works attract scholarly attention because they address fundamental debates across jurisdictions and continue to influence theoretical and policy discourse on negligence.

The remaining highly cited papers are largely situated in the medical negligence domain, including empirical studies on informed consent disputes (Bismark et al., 2012) and surveys of professional knowledge regarding negligence law (Uma et al., 2020). Their citation impact can be explained by the global relevance of patient safety, rising litigation involving healthcare providers, and the increased visibility of medico-legal issues in developing and developed health systems. Publications such as (Pandit & Pandit, 2009) and (Montanari Vergallo, 2014) gain traction because they offer practical insights into risk management, ethical duties, and emerging frontiers such as reproductive medicine. Overall, the citation distribution suggests that negligence scholarship thrives at the intersection of doctrinal theory and medical practice.

Research Question 3 (RQ3): Which are the top 10 countries on negligence and the law based on number of publication?

Figure 3 shows the top 10 countries based on number of publication in the area of negligence and the law.
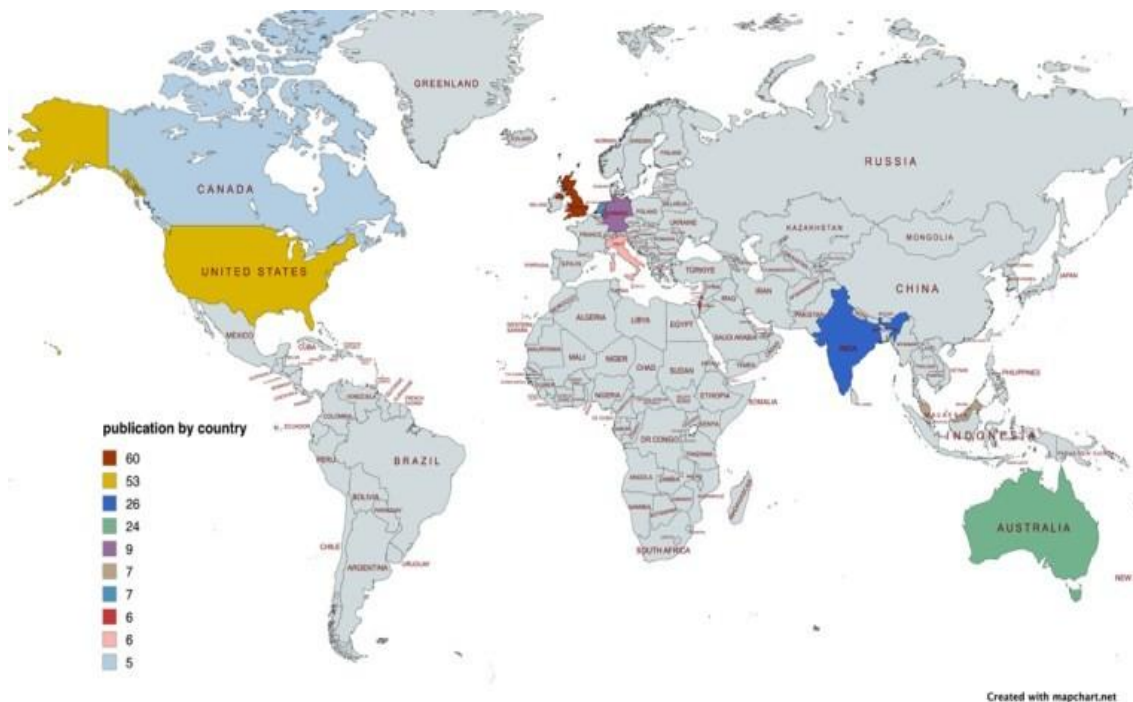

Figure 3. Top 10 countries based on number of publications

The publication distribution across the top ten contributing countries reveals a clear dominance of common law jurisdictions, led by the United Kingdom (60 publications) and the United States (53 publications). This trend is expected, as both countries have long-standing tort law traditions in which negligence plays a central doctrinal role, resulting in extensive academic engagement, well-established legal scholarship networks, and high research output. The significant contributions from Australia (24 publications) and Canada (5 publications) follow the same rationale in the sense that both jurisdictions rely heavily on negligence principles in civil liability, healthcare governance, and professional standards, which naturally stimulates scholarly discourse. Meanwhile, India (26 publications) stands out as the leading Asian contributor, likely driven by its rapidly developing healthcare sector, increasing medico-legal disputes, and expanding legal education landscape, all of which have heightened academic interest in negligence-related topics.

European countries such as Germany (9 publications), the Netherlands (7 publications), Italy (6 publications), and Israel (6 publications) show moderate but meaningful contributions. Although civil law systems traditionally rely less on judge-made tort principles, recent reforms, the growth of comparative law scholarship, and the rising importance of patient rights have encouraged more research on negligence, especially in medical and professional contexts. The presence of Malaysia (7 publications) reflects growing regional awareness of medicolegal accountability, expansion of legal research institutions, and the influence of common law inherited from its colonial past. Overall, the distribution of publications can be justified by the historical centrality of negligence in common law countries, the global rise of healthcare litigation, and increased comparative scholarship bridging civil and common law approaches.

Research Question 4 (RQ4): What are the popular keywords related to negligence and the law?

Figure 4 highlights the main keywords used by the authors related to the study of negligence and the law.
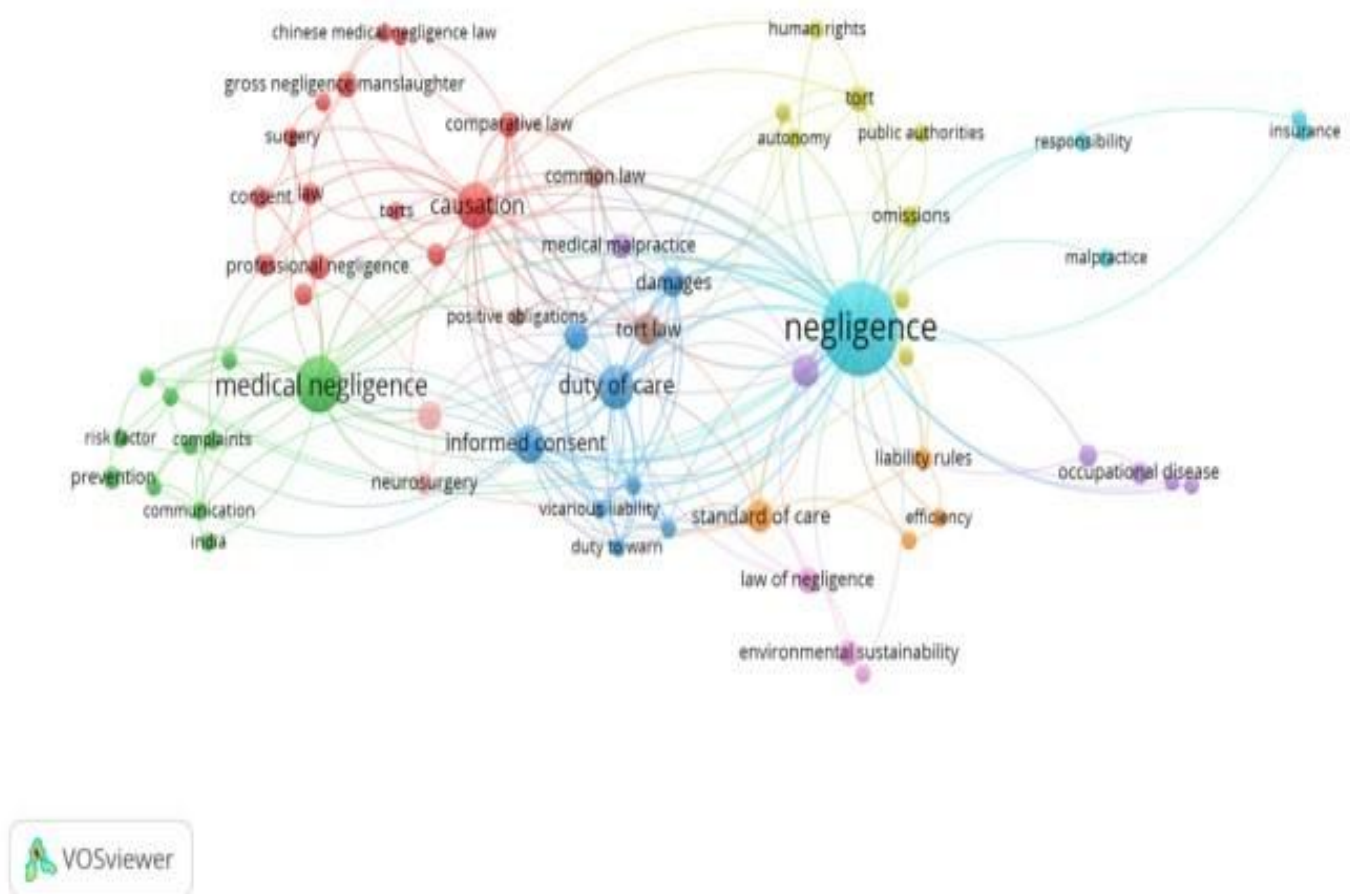

Figure 4: Network visualisation map of keywords' co-occurrence

Co-occurrence analysis of author keywords in VOSviewer identifies how frequently particular concepts appear together across a dataset of publications, allowing researchers to detect thematic patterns and intellectual structures within a field. Using full counting means every appearance of a keyword in each document contributes equally to its overall weight, making the map sensitive to repeated use of the same terms. By applying a minimum occurrence threshold of two, the dataset was reduced from 377 to 64 substantive keywords, and the imposition of a minimum cluster size of two enabled the software to group these terms into 10 clusters. These clusters represent distinct but related research themes in the literature, visualised through proximity, link strength, and colour coding, each reflecting conceptual affinity and the frequency with which keywords co-appear.

The findings collectively enrich the body of knowledge by revealing the dominant and emerging areas in medical negligence scholarship. Highly recurrent terms such as "negligence," "medical negligence," "duty of care," "causation," and "informed consent" signal the central doctrinal debates anchoring the field, while the distribution of other keywords such as "comparative law," "human rights," "environmental sustainability," and "incremental liability" shows diversification toward interdisciplinary and policy-responsive directions. The presence of multiple clusters illustrates how jurisprudential questions, regulatory concerns, practitioner behaviour, and patient-centred issues intersect within contemporary discourse. This structural mapping not only highlights established research domains but also uncovers potential gaps and trajectories for further inquiry, thereby strengthening conceptual clarity and guiding future scholarly development.

Research Question 5 (RQ5): What are co-authorship by countries' collaboration of negligence and the law?

Figure 5 illustrates the network visuatisation mapping of the authors' co-authorship collaboration by country.
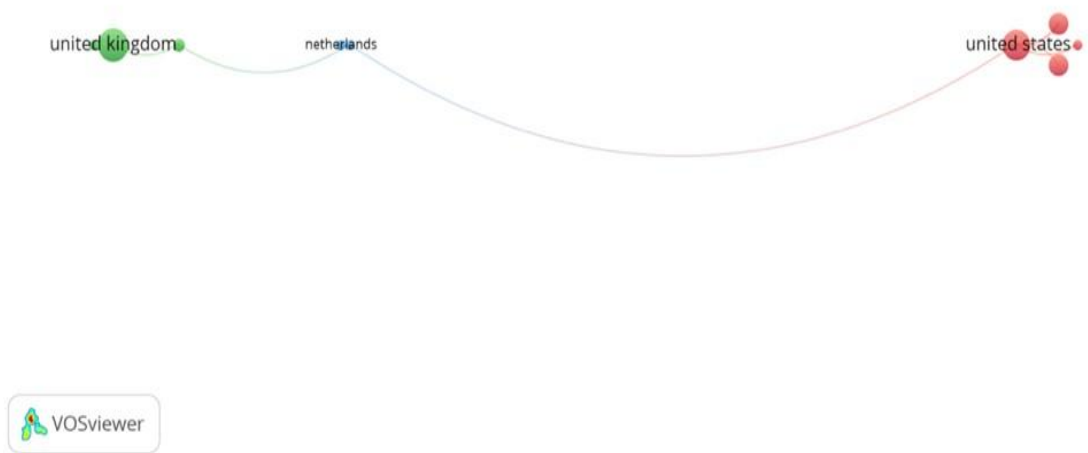

Figure 5. Network visualisation map of authors' collaboration by country

Co-authorship by country collaboration analysis in VOSviewer identifies how researchers from different nations work together, allowing the map to visualise international research linkages and scholarly networks. Using full counting, each country's involvement in a publication is counted fully, giving equal weight to all contributions regardless of the number of co-authors. By setting a minimum document threshold of two, the initial list of 44 countries was reduced to 10 active contributors, and applying a minimum cluster size of five led to the formation of eight clusters. These clusters reflect patterns of collaboration, showing which countries tend to publish together and how strongly they are interconnected based on shared authorship.

The findings indicate that the United Kingdom (60), the United States (52), Australia (26), and India (26) constitute the most productive contributors to the field, with the United States also showing the highest total link strength (7), suggesting stronger collaborative outreach. Countries such as Italy (6) and Germany (9) demonstrate moderate productivity but meaningful citation impact, while Malaysia (7) and the Netherlands (7) reflect growing regional engagement despite lower link strength. This map contributes to the body of knowledge by clarifying the geographical distribution of expertise, highlighting mature research hubs, and revealing where collaboration networks are concentrated or weak. Understanding these patterns helps identify potential partners, exposes structural imbalances in global scholarship, and points to opportunities for strengthening cross-border research in the relevant discipline.

CONCLUSION

This bibliometric study set out to analyse publication patterns, thematic developments, and collaborative structures related to negligence and the law over the past two decades through a bibliometric approach. The main questions focused on publication trends, highly cited works, geographical distribution, dominant keywords, and international research collaboration. The analysis of the refined dataset revealed steady growth in academic output, with noticeable increases in periods linked to legal reform, patient safety debates, and regulatory changes. The findings also showed that common law jurisdictions produced the majority of scholarship, reflecting the doctrinal importance of negligence in those legal systems. Thematic clustering highlighted recurring focus on core elements such as duty of care, standard of care, causation, and medical negligence, while newer themes including patient autonomy, professional accountability, and comparative frameworks indicated an expanding scope of inquiry. Collaboration mapping demonstrated relatively limited but gradually increasing cross-border cooperation, suggesting potential for broader global engagement.

This study contributes to the field by consolidating fragmented scholarship and offering an integrated overview of intellectual developments within negligence research. The identification of dominant themes and underexplored areas helps clarify the current state of knowledge and provides direction for future conceptual and empirical work. The study also demonstrates the usefulness of bibliometric techniques in legal research, particularly in mapping doctrinal evolution and highlighting connections between legal theory and practical application. In terms of practical implications, the results may assist policymakers, legal practitioners, and academic institutions in recognising emerging issues, strengthening legal frameworks, and prioritising research areas with significant social and regulatory relevance.

Despite its strengths, several limitations should be acknowledged. The dataset was restricted to English-language publications indexed in a single database, which may exclude relevant work from other linguistic or regional contexts. The analysis also relied on author-supplied keywords, which may not fully capture conceptual nuances. Future studies could expand coverage by incorporating additional databases, multilingual sources, and qualitative assessments of doctrinal developments. Further research might also explore deeper comparative analysis between legal systems or examine the impact of technological and societal changes on negligence standards.

In conclusion, the study provides a structured overview of two decades of academic engagement with negligence and the law, demonstrating both continuity in fundamental doctrinal concepts and diversification into new thematic areas. Bibliometric analysis proved valuable in identifying trends and research gaps, offering a foundation for continued scholarly development. The significance of this research lies in its ability to guide future investigations and support a more coherent and informed understanding of negligence within contemporary legal contexts.

ACKNOWLEDGMENT

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