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## BIBLIOMETRIC ANALYSIS OF RESEARCH TRENDS ON ROLE OF DISPUTE RESOLUTION MECHANISMS IN FAMILY LAW CONFLICTS

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# **BIBLIOMETRIC ANALYSIS OF RESEARCH TRENDS ON ROLE OF DISPUTE RESOLUTION MECHANISMS IN FAMILY LAW CONFLICTS**

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## **ABSTRACT**

*This paper is a bibliometric analysis of research publications in the field of dispute resolution of family matters. The paper analyses the frequency of publications in this arena and identifying the research gaps. The paper utilises literature published on this subject available at the Scopus database from 2011 to 2020. A total of 59 documents varying from books, chapters, articles and journals have been extracted and analysed for the purpose of this study. This data is further analysed and presented in the forms of tables, maps, graphs, etc using VOSviewer and IMAPBuilder software. The study shows that even though there is plenty of research available in dispute resolution and family law individually, the connection of resolving family matters through dispute resolution process is still an under-researched area. It is recommended that the research should not only be limited to resolving matrimonial conflicts but should also focus on other family relations like siblings, parent-child, extended family disputes, etc. Better funding and more advanced research on this topic should be encouraged.*

**Keywords-** Dispute Resolution, Family law, Bibliometric, Publications, Analysis

## **I. Introduction**

Bibliometrics is a system for analysing large amount of literary data using mathematical, statistical and computational approaches. These quantifiable analyses are used to discover models, trends and relationships that represent the evolution and growth of literature on that subject. In other words, the bibliometric method is a quantitative mapping of bibliographic data to present scientific knowledge visually based on the categorization of research clusters (Fellnhofer, 2019). This method is seen as effective in identifying research clusters, researchers, and institutional affiliations with their characteristics (Fahimnia, Sarkis, & Davarzani, 2015).

'Bibliometrics' as a term was first used by Alan Pritchard in 1969. He defined bibliometrics as "the application of mathematical and statistical methods to books and other media" (Pritchard, 1969). It is considered to be a subcategory of 'scienometrics' method of research. The initial bibliometric studies were mainly focussed on mathematical and statistical analysis of data distribution. Later, with growth of computers and telecommunication devices, the application of this technique also evolved in analysing large databases of new fields and subjects. Today, bibliometric survey is available for several varied fields of research like management (Fahimnia et al., 2015), medicine (Kokol, Blazun, & Završnik, 2020), economics (Wang, Xu, & Škare, 2020), educational administration (Hallinger & Kovačević, 2019) and social impact (Baraibar-diez, Luna, Odriozola, & Llorente, 2020), etc.

Bibliometrics does not aim at replacing qualitative methods by quantitative approaches. It is not designed to override or substitute peer reviews or evaluation by experts but complement such studies qualitatively and quantitatively. It can be used as a tool to develop and provide research evaluation in a particular field. However, it is not designed to evaluate research results. It helps the researchers in determining priority areas and identifying the research gaps. Bibliometrics is extremely useful in ascertaining the publication's contents, countries, funding sources, references, citations and (co)authorships, etc. This helps in determining the future of research in that domain.

The current study is a bibliometric analysis of research publications in field of dispute resolution of family matters. The paper focuses in analysing the frequency of publications in this arena and identifying the research gaps. The paper focuses on literature published on this subject available at the Scopus database from 2011 to 2020. A total of 59 documents varying from books, chapters, articles and journals have been extracted and analysed by the Researchers for the purpose of this study. This data is further analysed and presented in the forms of tables, maps, graphs, etc using VOSviewer and IMAP software. The results of this study are expected to become an information map for further research on resolution of family disputes and conflicts.

## **II. Statement of Problem**

With time the structure and behaviour of families have evolved and seen dynamic changes across the world. These changes result in an increase of conflicts within the families and many a time take a toll on the mental, physical, social and economic wellbeing of a person. It is

important to develop a mechanism to resolve these conflicts in order to protect the families and maintain the delicate fabric of society.

Family laws are those broad sets of rules that relate to families and their matters such as marriages, divorces, inheritance, adoptions, guardianships, etc. These laws impact the most private aspect of an individual's life and are formulated to protect and uphold the rights and dignity of an individual. Lately, with changes in the concept and structure of families across the world, these laws also act as agents of social change and help in improving the status of individuals in a society.

However, it has been a widely known fact that the formal systems of courts across the world are plagued with delays and backlogs of cases. Unlike other disputes, the nature of family disputes is very different. The parties of family disputes are related to each other on a personal level and therefore the emotional quotient of these disputes is very high. This overburdened judicial system causes several economic, physical, and psychological hardships to the litigants and may not always provide satisfactory results to litigants of family disputes. The chances of parties ending up in bitterness are high as the traditional methods may fail in changing the mindset of the parties.

Lately, it has been observed that this unique combination of emotions and conflict in family law disputes requires a less formal system of dispute resolution. This makes Alternative Dispute Resolution (ADR) mechanisms like mediations, conciliations, arbitrations, collaborative law, etc., a more suitable option for resolving family disputes. Apart from being time and cost-effective, ADR mechanisms also encourage communication and collaboration between the parties without resorting to the court. This acts as a win-win situation for the parties as parties have greater control over the outcome. These processes also help in maintaining peace and harmony between the parties by focussing on what is important to the parties than just concentrating on their legal rights.

There is an urgent need to recognize ADR as an effective way of resolving family disputes. Even though a lot of researches are available on the individual topics of ADR and family law matters, the role of ADR in resolving family disputes still remains an under-researched area. This bibliometric paper is written to analyze the already published literature and to establish the gap in the existing literature relating to the effectiveness of ADR in providing justice in family law matters.

### **III. Objectives of the Study**

The main objective of this research is to analyse the frequency of publications in the field of resolution of family disputes and identify the research gaps. Below are the specific objectives on this subject that the paper aims to achieve-

- To study the per year drift in publication
- To assess the pattern of document publication and their types
- To map the most frequently used keywords and subject areas of research
- To examine the citation of documents
- To identify the authorship pattern and affiliation of contributing authors by the country

### **IV. Literature Review**

**Caputo, A., Marzi, G., Pellegrini, M.M., Rialti, R. (2018)** conducted a bibliometric analysis and systematic literature review to ascertain how conflicts affects family businesses. The paper tried to map the intellectual structure in the fields of conflict management and family business with an aim to integrate the knowledge between the two fields. The paper can be referred to as a starting point for researchers interested in understanding how backgrounds, conflicts and growth dynamics in family business influence performances. The paper concludes that even though issues like work- life balance and family conflicts have received great attention, yet the research on conflict management in family businesses is still not adequate.

**Piotrowski C (2016)**, through a bibliometric analysis of recent literature, presents a barometer on the most researched streams in the filed of Applied Psychology. Through his study, he projects those issues relating to work-life balance, organizational justice, leadership, ethics/values, abusive supervision, etc are some of the major research topics of applied psychology. He concludes that out of the popular topics evident in major texts across the field of applied psychology, topics relating to job loss, assessment centres, sleep-shift factors, diversity issues, sexual harassment, crisis management, entrepreneurship, retirement issues, absenteeism, leisure, work recovery, and employee compensation are the ones that are least researched upon.

**Faulkner R.A., Klock K., Gale J.E., (2002)**, conducted a content analysis on the articles published on marriage and family therapy literature from 1980 to 1999. She observed that out of the numerous articles published in 4 journals, only 131 articles used qualitative research

methodology for their research. Her findings suggest that even though there is a increase in the qualitative research methodology, not much articles are published in marriage and family therapy journals.

**Carrie Menkel-Meadow (2015)** defines and elaborates on the modern methods of dispute resolution beyond court judgement like processes of negotiation, mediation, arbitration, summary jury trial, etc, for both private and public conflicts. The author also takes a deep dive in the historical and theoretical evolution of these processes marking the reasons of their use and difficulties faced in their implementation.

**Akin Ojelabi, L., Gutman, J. (2020)**, in their paper focused on developments in the family-law system that demonstrate the use of alternative dispute resolution as a means of refining access to justice in relation to family conflicts in Australia. The authors of the paper argue if in the family-law system, justice and ADR are inextricably linked. They also reviewed complications for the future considering recommendations from the recent inquiry into the family-law system.

**Varda Bondy, Linda Mulcahy, Margaret Doyle and Val Reid (2009)** with help of an empirical study try to bring in the nexus between the processes of mediation and judicial review. The aim of their paper was to identify the value and limitations of mediation as an alternative to judicial review. The paper discusses in detail several aspects relating to mediation like making it compulsory, value additions from mediations and understanding if the process in reality cheaper and quicker alternative to court processes.

**Riveros, C., Coester-Waltjen, D. (2019)** draws a comparison between the family mediation process of Europe and Chile. It asserts that the usage of mediation has increased across the globe to protect the family agreement and their autonomy and recommends quality control and special training for mediators.

**Conley Tyler, M.H., McPherson, M.W. (2006)** discusses the current approaches for designing an Online Dispute Resolution system. These systems are replication of the ADR practices and are believed to be helpful to parties. The paper explores the potential role of such systems in resolving family disputes.

## **V. Research Methodology**

### **A. Source of Data**

The current study is based on the literature procured from Scopus Database (<https://www.scopus.com>) which is the largest database for abstract and citation of peer reviewed journals. Scopus was launched by Elsevier in the year 2004 and contains several top-level journals of various fields like medical sciences, technology, arts, social sciences, humanities, etc. Equipped with smart tools and features like document type, authors and their affiliations, h-Index, CiteScore, SJR (SCImago Journal Rank) and SNIP (Source Normalized Impact per Paper), Scopus makes it very easy to track, analyse and evaluate searches.

### **B. Research Design**

For the purpose of this research paper, bibliometric analysis has been used to review the literature available on the topic of dispute resolution and family law. The research focuses on data available in Scopus on this subject from 2011 to 2020 i.e., 10 years. In the past decade, it has been observed that there is a high rise in the conflicts between family members. Such conflicts cause stress and shakes the stability of the family. Dispute Resolution of these matters aims in helping separating families to come to their own agreements and ensure a smooth transition. Therefore, this study is conducted to analyse if sufficient research has been steered in this field of resolving family disputes.

### **C. Search Strategy**

Furthermore, selecting appropriate keywords is an important part in procuring relevant data from any database. Therefore, for the purposes of the present study, keywords are used with few constraints to reduce the false-positive results. These keywords were selected based on the diligent review of the already existing articles on dispute resolution of family matters and the same is presented in the Table 1. Documents published in English language only from 2011 to 2020 has been used for the conducting this research. For visualisation of maps and analysing the retrieved data, the researchers have used VOSViewer and Scopus.

## VI. Presentation and Analysis of Data

A total of 59 documents have been extracted and analysed by the Researchers using the keywords mentioned in the Table 1 for the purpose of this study.

**Table 1: Research Strategies and Keywords Used to Retrieve Literature and Data on Dispute Resolution of Family Law Matters**

Search Method	Keywords	Constraints	Exclusion
Title Words	Dispute Resolution and Family Law	None	--
Limit	1. Language: English 2. Time interval: 2011-2020	--	--

### A. Publication Drift and Document Typology

A total of 59 documents were retrieved from Scopus of which a majority of 62.7% were in the form of Articles. Book Chapters comprised of 18.6% of the total documents and 10.2% were books available on this subject. Remaining 5.1% were reviews and 3.4% of the documents were in the form of notes. However, there are hardly any journals, editorials or conference papers on this subject available in Scopus. The exact number of these documents have been tabulated in the below Table 2 and pictorially represented in the Figure 1 using pie-chart.

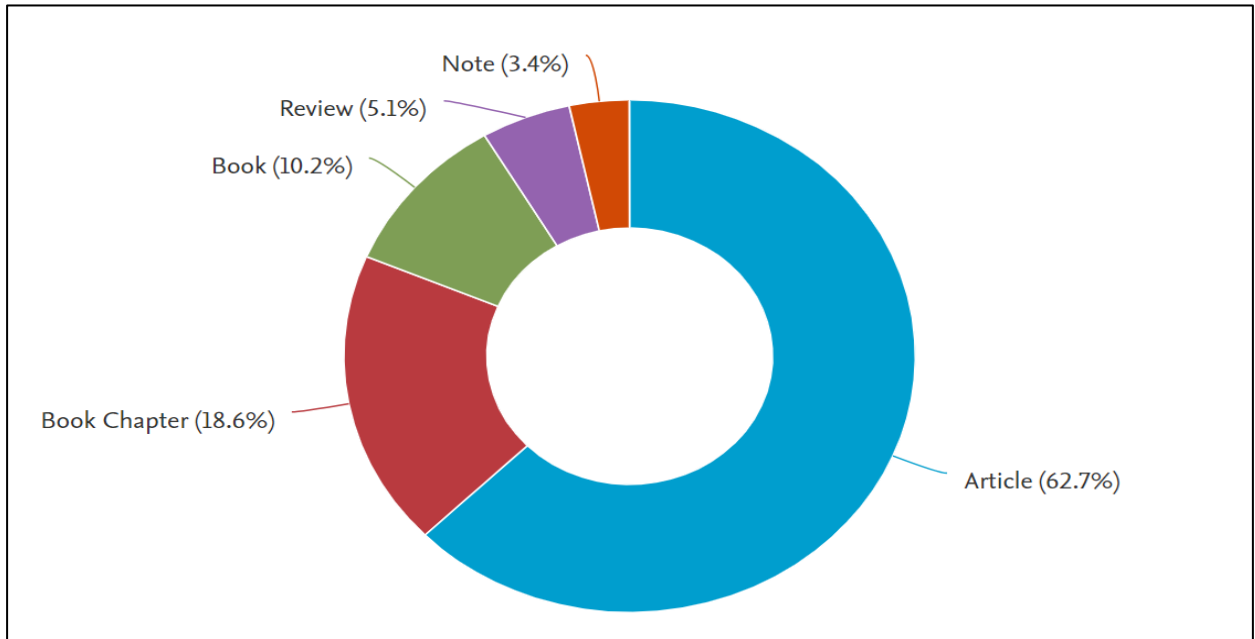
**Table 2: Types and Number of Documents**

Type of document	No. of Documents
Articles	37
Book Chapters	11
Books	6
Reviews	3
Notes	2
<b>Total</b>	<b>59</b>



**Figure 1 –Document Types**

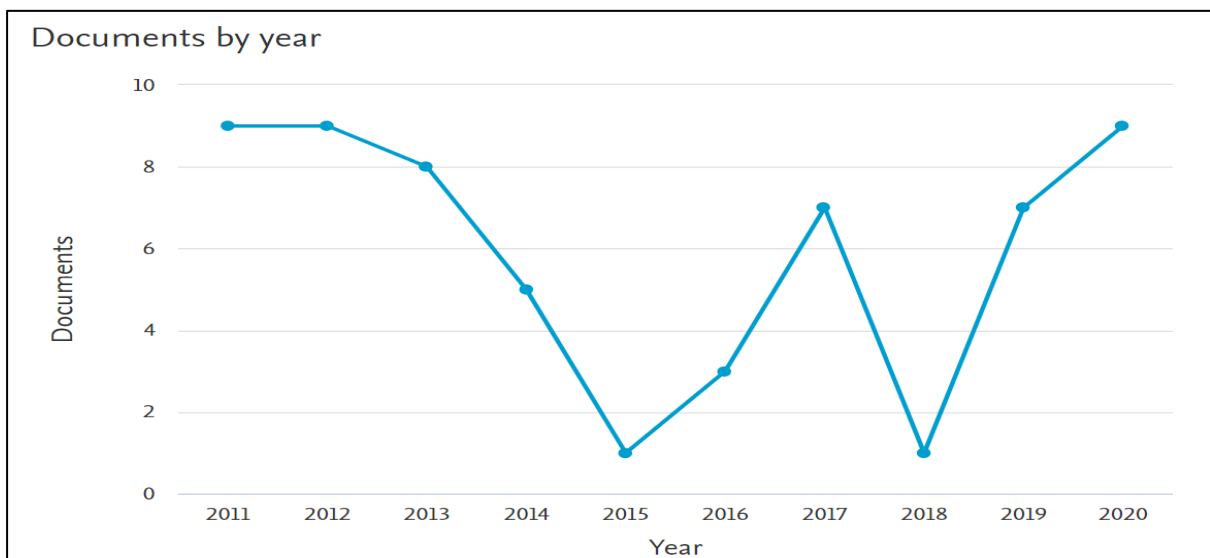
**Source: Scopus (last visited on 6<sup>th</sup> June 2021)**



On analysing the retrieved data for the given period, it has been observed that there is no consistency in the publications per year. The publications were at peak in the years 2011 and 2012 with 9 publications in a year and declined gradually to 1 publication a year in 2015 and 2018. However, again in 2020, there was a rise in the publication with 9 publications in that year and has been increasing since. The Figure 2 illustrates this publication drift in researches on family dispute resolution

**Figure 2 – Publication Drift**

**Source: Scopus (last visited on 6<sup>th</sup> June 2021)**



## B. Mapping of the most frequent used keywords

For procuring relevant data and accurate results, it is very important to use correct keywords. The most common keywords that are used in literature relating to dispute resolution of family matters are identified in the below Table 3. Keywords like “family law” and “mediation” has the maximum occurrence than other keywords. It is interesting to note here that among all the other techniques of dispute resolution, “mediation” is the one that is most frequently used in context of family dispute and its resolution. Furthermore, it can be easily interpreted that more research has been conducted on family disputes arising out of divorce and domestic violence than any other issues like property or child custody, etc.

**Table 3 – Keywords and its Occurrence**

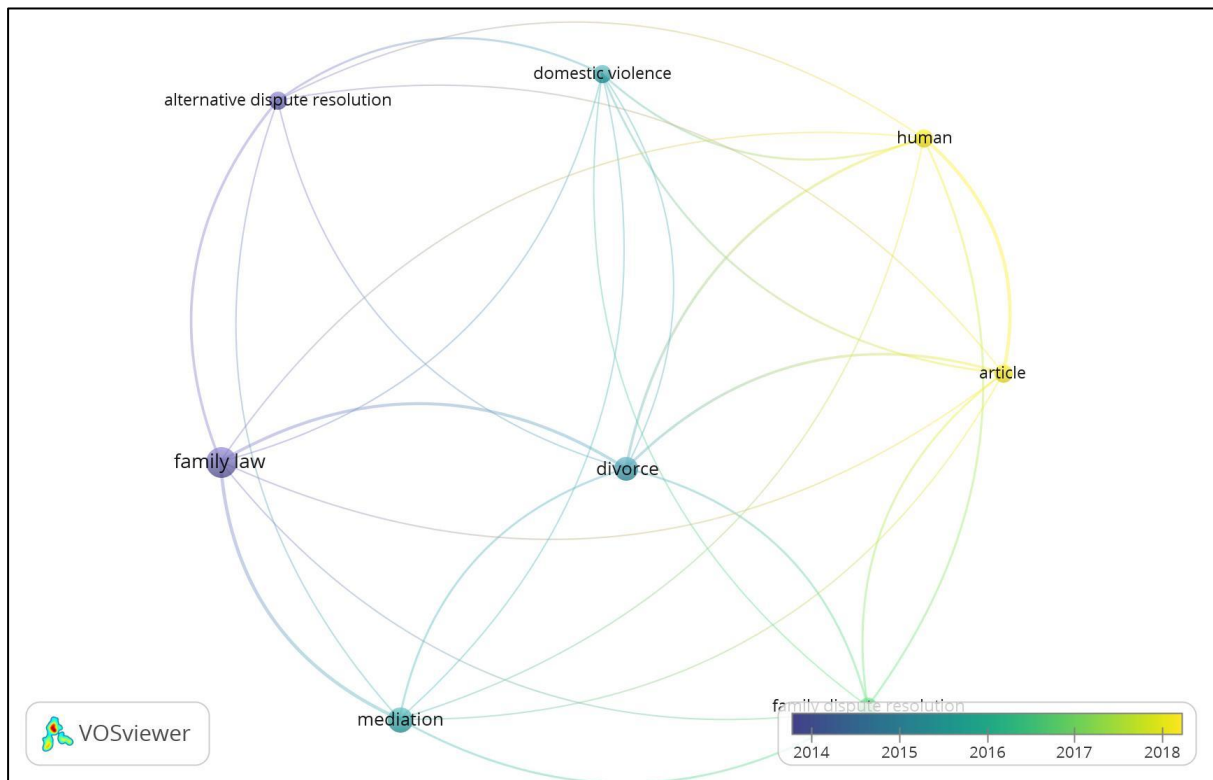
Source: VOSviewer

Selected	Keyword	Occurrences
<input checked="" type="checkbox"/>	divorce	8
<input checked="" type="checkbox"/>	family law	13
<input checked="" type="checkbox"/>	article	5
<input checked="" type="checkbox"/>	human	5
<input checked="" type="checkbox"/>	mediation	9
<input checked="" type="checkbox"/>	domestic violence	5
<input checked="" type="checkbox"/>	family dispute resolution	5
<input checked="" type="checkbox"/>	alternative dispute resolution	5

The figure 3 maps the keywords based on their occurrence and interlinkage with each other. It can be observed from the Figure that most of research is limited to family disputes arising out of divorces and domestic violence. Other aspects of resolution of family matters have not been much research upon. Moreover, it was only in the year 2014 that “family law” and “dispute resolution” started to appear together.

**Figure 3 – Mapping of the most frequently used keywords**

**Source: VOSviewer**



### **C. Analysis of Subject Area of Research**

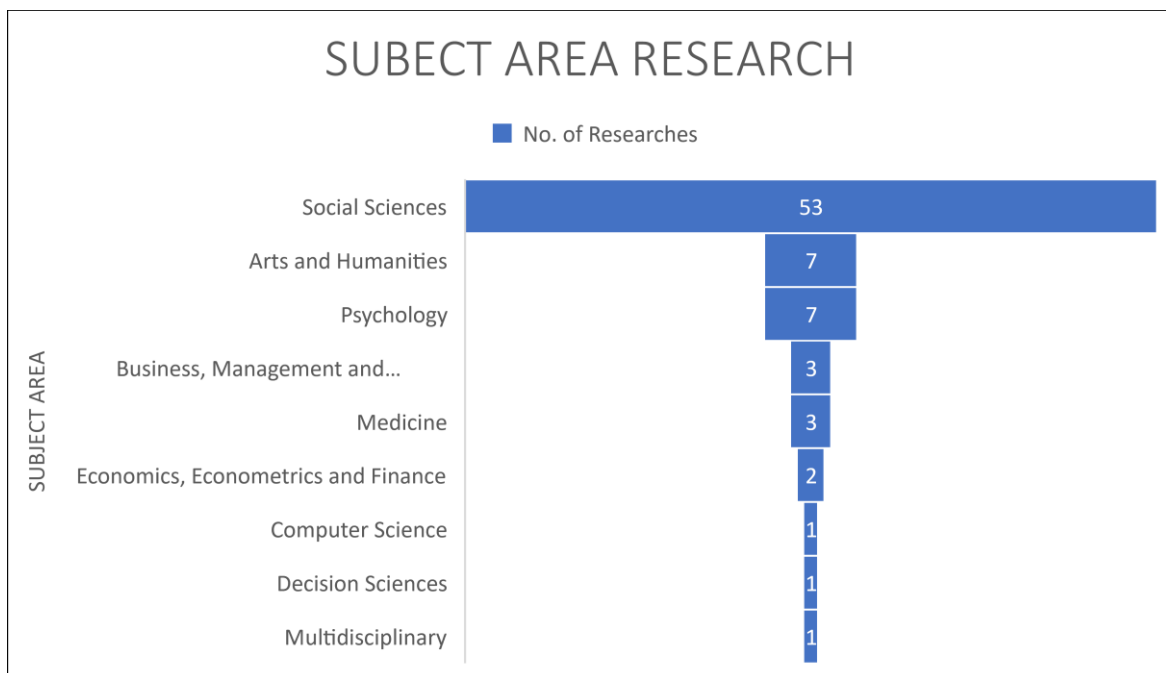
All families go through conflicts and disputes of some or the other kind. These disputes affect the family and individuals in more than one way. From finance management to mental health, family disputes affect not only the present but also the future of its members. The table 4 and figure 4 illustrated below identify the subject areas in which most research has been conducted relating to family dispute resolution.

Social sciences contribute a majority of 67.9% of the research conducted in this field. Arts and Humanities along with Psychology contribute to 9% of the research respectively. 3.8% of the research relates to the field of medicine and economics and finance. Computer science and Decision sciences each contribute of 1.3% each. The remaining research is based on a multidisciplinary approach. It can be concluded that there is no any research exploring the legal side of this topic exclusively. This can be a possible research gap and an unexplored area for the future researches.

**Table 4: Subject Area and No. of Documents**

<b>SUBJECT AREA</b>	<b>NO. OF DOCUMENTS</b>	<b>PERCENTAGE</b>
Social Sciences	53	67.9
Arts and Humanities	7	9.0
Psychology	7	9.0
Business, Management and Accounting	3	3.8
Medicine	3	3.8
Economics, Econometrics and Finance	2	2.6
Computer Science	1	1.3
Decision Sciences	1	1.3
Multidisciplinary	1	1.3
<b>TOTAL</b>	<b>59</b>	<b>100</b>

**Figure 4 – Subject Area Research**



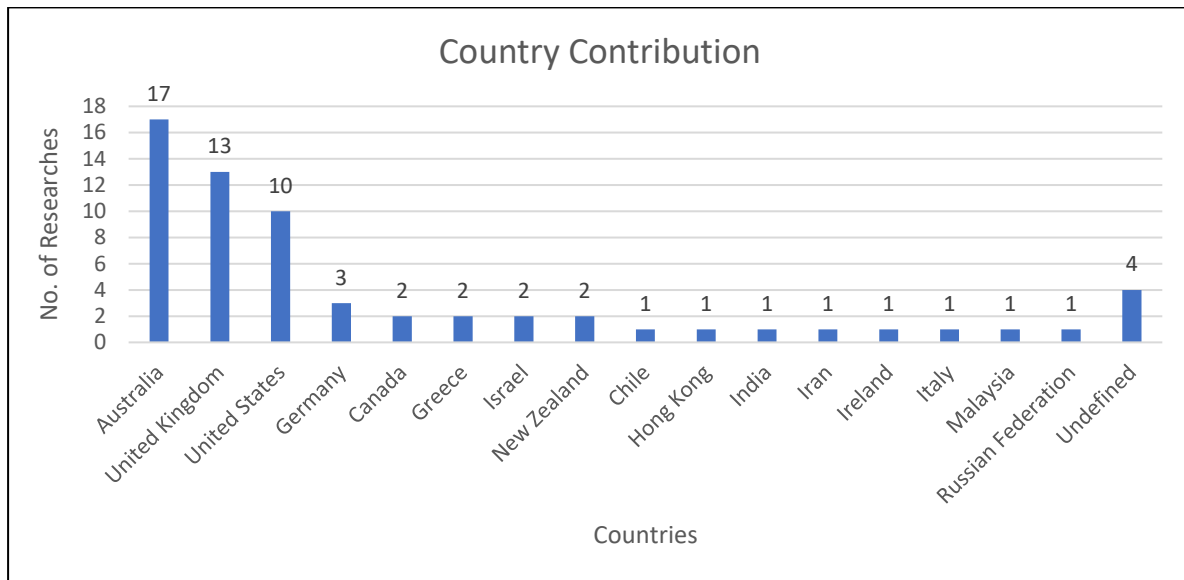
#### **D. Country Contribution**

Authors from various countries have contributed in publishing literature on family dispute resolution. Australia tops the race with 17 publications in decade followed by the United Kingdom (13), United States (10) and Germany (3). Other countries like Canada, Greece, Israel and New Zealand have only 2 publications each in a time span of 10 years. Lastly, only 1 publication is available from Chile, Hongkong, India, Iran, Ireland, Italy, Malaysia and Russian

Federation. This indicates that there is yet a big potential in researching this topic in several other countries of the world. The Figure 5 and 6 below give a world map view of country wise publications on this topic.

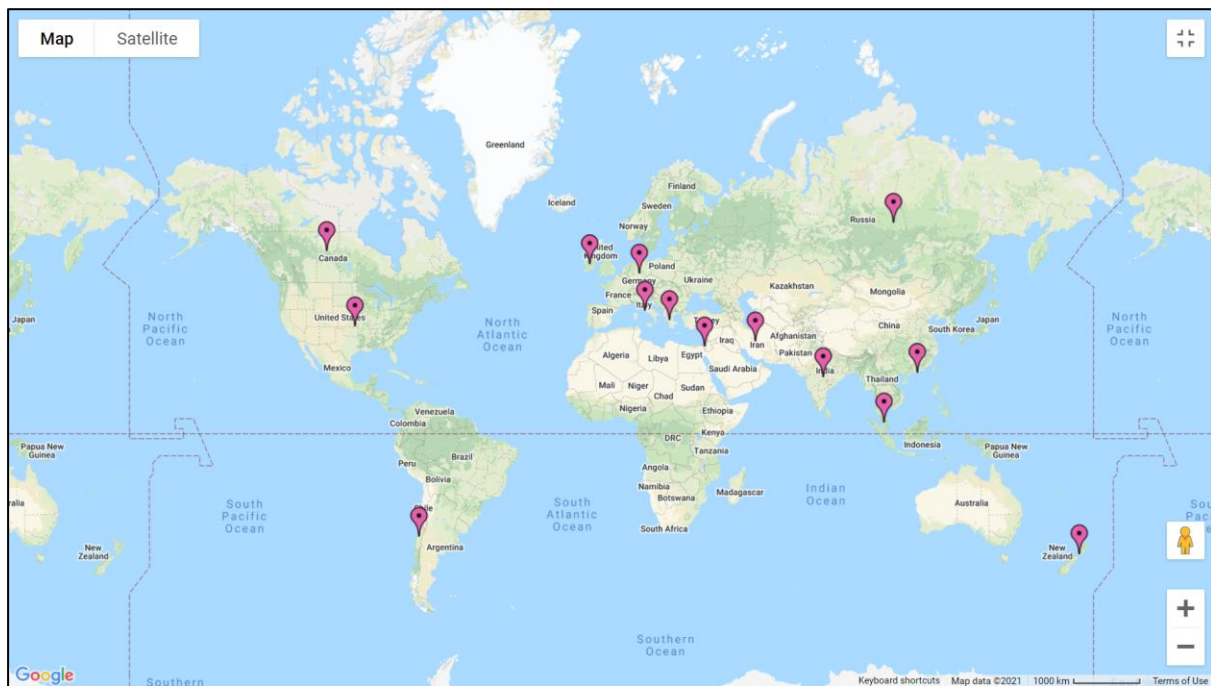
**Figure 5 – Researches Per Country**

Source: Scopus (last visited on 6<sup>th</sup> June 2021)



**Figure 6 – Mapping Countries of Research**

Source: IMAPBuilder



### E. Authorship and Affiliation Analysis

Figure 7 shows the 10 authors who have contributed the most on this subject. 3 Authors have contributed the maximum of 2 documents each on this subject and the rest have authored one literature each.

**Figure 7 – Publication Per Author**

**Source: Scopus (last visited on 6<sup>th</sup> June 2021)**

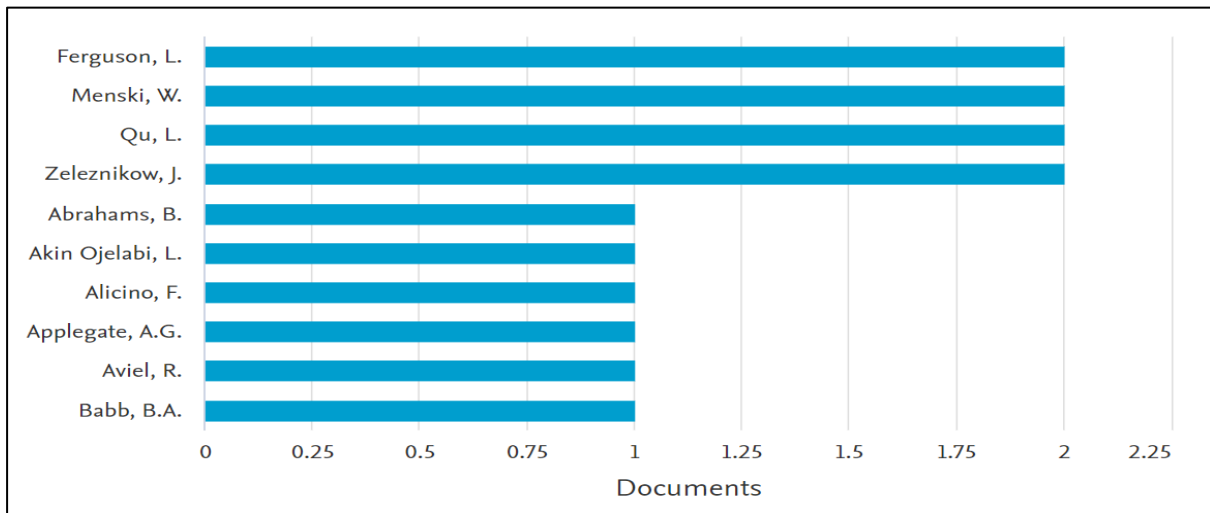
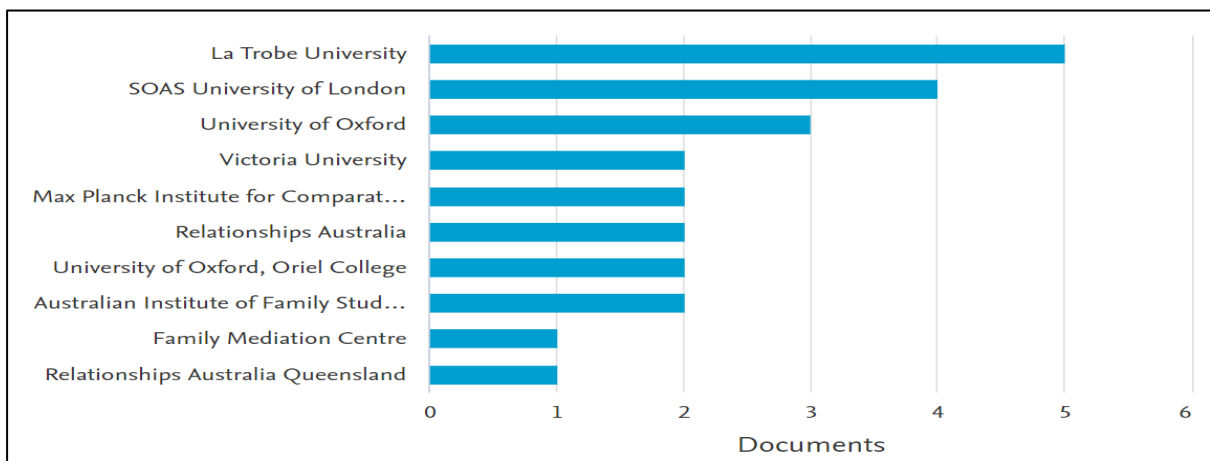


Figure 8 below, highlights the universities with the maximum number of researches in this field. La Trobe University in Australia has the maximum of 5 publications followed by SOAS University of London, United Kingdom with 4 publications and University of Oxford, United Kingdom with 3 publications. It is worth highlighting here that most of these universities are from Australia and United Kingdom which indicated that the research and funding is more enhanced in these countries on this topic. Other countries should identify this research gap and initiate more research on this topic.

**Figure 8 – Analysis of Affiliations**

**Source: Scopus (last visited on 6<sup>th</sup> June 2021)**

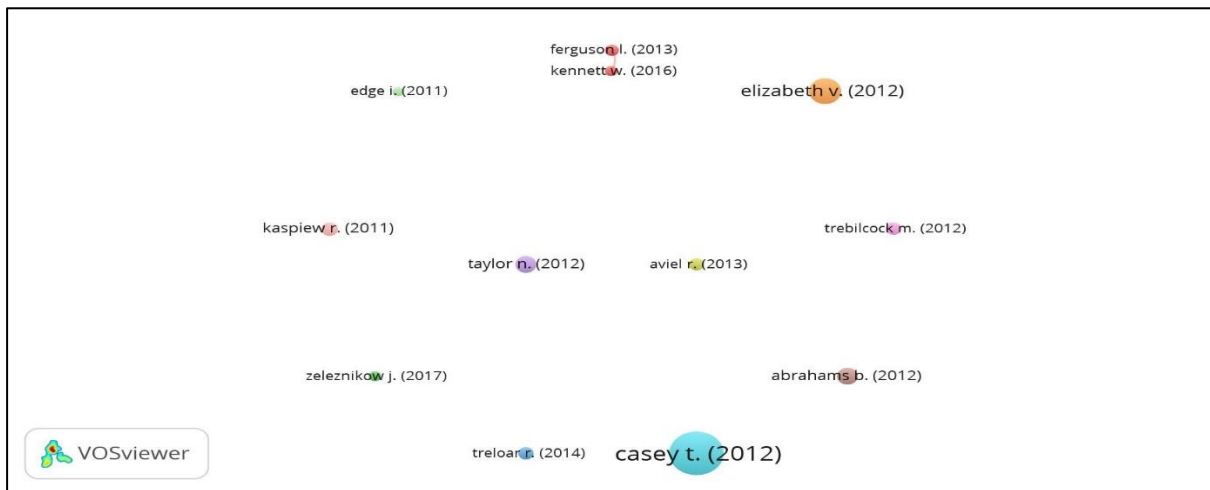


## F. Citation Analysis

Out of the 59 documents retrieved, only 12 documents met the threshold of minimum 5 citations per document. These documents are mapped in the below Figure 9 in 11 clusters. It can be observed, that there is a dearth of integrated and multidisciplinary research in this area.

**Figure 9 – Citation Analysis**

Source: Scopus (last visited on 6<sup>th</sup> June 2021), VOSviewer

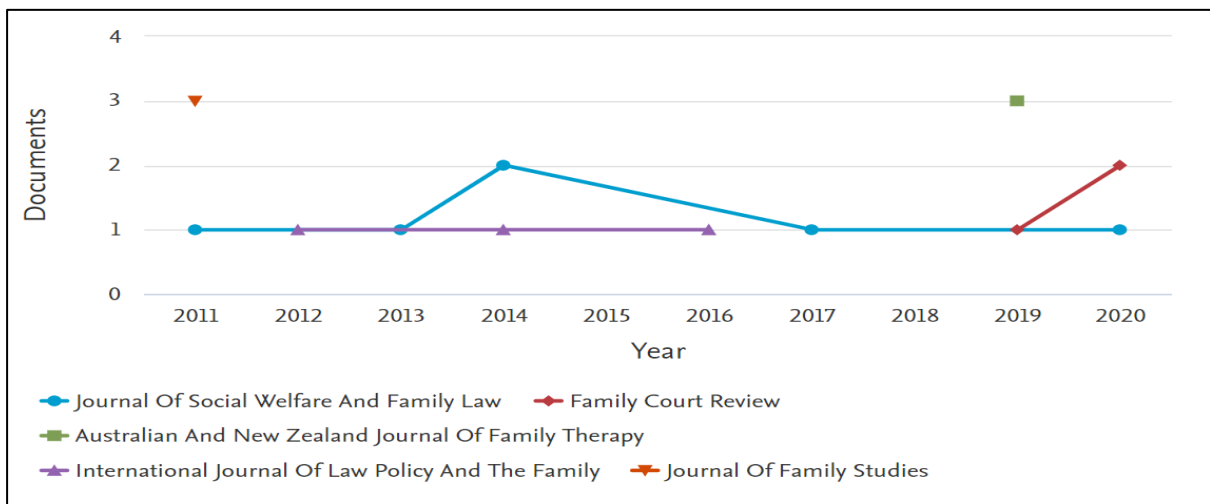


## G. Analysing Publication in Journals

Out of the 59 documents retrieved for this research, the figure below showcases the top 5 contributing journals on family law and dispute resolution. As revealed in Figure 10, the Journal of Social Welfare and Family contributes the highest number of publications followed by the International Journal of Law Policy and the Family and the Family Court Review.

**Figure 10 –Document Types**

Source: Scopus (last visited on 6<sup>th</sup> June 2021)



## **VII. Discussion**

The present study was conducted to analyse the frequency of publications in the field of resolution of family disputes and identify the research gaps in the existing literature. It has been observed that there are not many researches available on this subject exclusively. Only a total of 59 documents could be retrieved from Scopus published in a decade i.e., 2011-2020 that discusses the issues of dispute resolution in family law cases. Out of these documents, there are hardly any journals, editorials or conference papers on this subject available in Scopus. Moreover, there is no constituency in the number of per year. It could vary from 9 publication a year to a single publication in the year.

A lot of literature is available on dispute resolution and family law matters independently. Some discuss the psychological aspect of dispute resolution and some talk about the benefits of resolving the family disputes through the process of mediation. However, not much research has been done to understand the effectiveness of ADR in providing quick delivery of justice. Most of the researches are limited to matrimonial disputes arising before or after divorces and in cases of domestic violence. Resolving other family disputes like sibling rivalry, matters relating to succession of property, older people care in families, etc have not been researched upon. The role of technology in causing and resolving these disputes can also be an area of further research

According to the data collected, out of all the other countries, Australia has been the most active country in researching on this aspect. However, not much research is available in a collaborative and integrated manner. An inter-country study can be helpful in analysing the issues related to migrated and cross-border families and resolving their matters amicably. Aspects related to jurisdiction and applicable law can be an area of future research. As there is a dearth of integrated and multidisciplinary research in this area, enhanced funding for such future researches can be a boon for researcher interested in working in this field.

## **VIII. Conclusion**

Even though, plenty of study is available on the individual topics of dispute resolution and family law, there is a dearth of research on topics that establish the interlinkage between family disputes and its effective resolution. With the growing number of cases of family disputes and changing dynamics of concept of family, the family courts are struggling to keep up the pace



with heavy caseloads and unclear rules. Dispute resolution methods like mediation, negotiation, conciliation, etc., act as a more collaborative, effective and efficient alternative to these traditional methods.

Unlike litigation, dispute resolutions mechanisms are more private process with a focus on reaching an amicable solution between the parties. These processes provide much more comfort and privacy to the parties as the involvement of third parties is minimal. This helps the parties to speak up freely and without hesitation about the sensitive aspects of their personal lives. These are innovative alternatives to the traditional system of court adjudication. It is, thus, the need of the hour to study the effectiveness of ADR mechanisms in resolving family disputes. Future researches must be properly directed to bring in an interlinkage between different kinds of family relations and effective ADR mechanisms to resolve disputes between them.

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