



**Merit-based recruitment in the prosecutor's office system:  
The legal nature and procedural role of the interview in personnel decision-making**

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**Abstract:**

This article provides a comprehensive analysis of the interview as a stage in the selection and transfer of prosecutors to higher-level prosecution authorities in Ukraine. The aim is to identify mechanisms of subjectivity during the interview process. The research combines regulatory and legal analysis, comparative analysis of international practices, and empirical research through an expert survey (n=15). The findings indicate that the interview is the most vulnerable stage of prosecutor selection regarding subjective influence. A moderate correlation ( $r=0.62$ ) was identified between subjectivity assessment and the significance of the first-impression factor, confirming the systemic impact of cognitive biases on candidate evaluation. The article substantiates the transition to a hybrid selection model combining standardized psychometric methods, automated testing, and situational tasks. Such tools, when properly validated, can reduce subjectivity, increase result reproducibility, and support more justified personnel decisions. The scientific novelty lies in integrating legal

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and psychological approaches, while practical significance concerns improving prosecution personnel policy and strengthening trust in the justice system.

**Keywords:**

Alternative approaches, candidate evaluation, European standards, legal reform, selection and transfer of prosecutors

**Resumen:**

Este artículo ofrece un análisis exhaustivo de la entrevista como fase del proceso de selección y traslado de fiscales a órganos de la fiscalía de mayor rango en Ucrania. El objetivo es identificar los mecanismos de subjetividad que intervienen durante el proceso de entrevista. La investigación combina el análisis normativo y jurídico, el análisis comparativo de prácticas internacionales y la investigación empírica mediante una encuesta a expertos ( $n = 15$ ). Los resultados indican que la entrevista es la fase más vulnerable del proceso de selección de fiscales en lo que respecta a la influencia subjetiva. Se identificó una correlación moderada ( $r = 0,62$ ) entre la evaluación de la subjetividad y la importancia del factor de la primera impresión, lo que confirma el impacto sistémico de los sesgos cognitivos en la evaluación de los candidatos. El artículo justifica la transición hacia un modelo de selección híbrido que combine métodos psicométricos estandarizados, pruebas automatizadas y tareas situacionales. Dichas herramientas, cuando se validan adecuadamente, pueden reducir la subjetividad, aumentar la reproducibilidad de los resultados y respaldar decisiones de personal más fundamentadas. La novedad científica radica en la integración de enfoques jurídicos y psicológicos, mientras que la relevancia práctica se centra en la mejora de la política de personal de la fiscalía y el fortalecimiento de la confianza en el sistema judicial.

**Palabras clave:**

Enfoques alternativos, evaluación de candidatos, normas europeas, reforma legislativa, selección y traslado de fiscales

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## 1. INTRODUCTION

In the context of prosecution system reform in Ukraine, the quality of personnel selection acquires systemic importance as it directly affects the professional composition of prosecution bodies and the effectiveness of their functions (Verkhovna Rada of Ukraine 2014). A special place in this procedure is occupied by the interview as the final stage of the selection and transfer prosecutors, after all it is at this stage that the final decision regarding the candidate is made (Bodnaruk and Lapkin 2020). Despite regulatory consolidation of the procedure, the interview remains the least standardized element of assessment. Its results largely depend on the individual judgments of the commission members which leads to variability in evaluations and reduces the reproducibility of personnel decision (Adamiv 2023). In this case, subjectivity should be considered not only a procedural defect but also a factor influencing the quality of personnel selection within the prosecution authorities.

In legal research, prosecutor selection is predominantly analyzed through the lens of institutional reforms, regulatory frameworks and organizational efficiency (Mytrofanova and Hlukhyy 2020). At the same time, these approaches rarely address the micro-level of decision-making that is, the process of evaluating candidates within specific personnel procedures (All-Ukrainian Conference of Prosecutors 2024). In cognitive and social psychology, the interview is instead understood as an assessment method that is highly vulnerable to cognitive biases including the first impression effect, the halo effect and impression management strategies (Peck and Levashina 2017, Begrich *et al.* 2020, Schmidt *et al.* 2023, Bill *et al.* 2024). The quality of the interview, its level of structure and the way responses are recorded all have a significant impact on evaluation results. However, the application of these approaches to the analysis of prosecutor selection procedures remains rather limited.

Decision-making in prosecutors' activities is complex in nature and combines legal, organizational and behavioral components (Tisdale and Votruba 2023, Bowman *et al.* 2024). Emotional factors are also becoming more important in prosecutors' professional activity, especially when evaluating information and making decisions (Nordquist 2025). However, current academic literature still does not include researches that systematically combine legal and psychological approaches to analyze the interview as a tool for selection prosecutors. Therefore, the existing research gap consists, first of all, in the lack of an interdisciplinary approach to analyzing personnel selection procedures in the public sector. Secondly, in the limited number of empirical researches on the impact of cognitive biases on interview results in the prosecution system. Thirdly, in the insufficient development of assessment models capable of reducing subjectivity and increasing the reliability of personnel selection.

The key principle of modern personnel selection in public service is merit-based selection, which requires personnel decisions to be based on objectively defined criteria of professional competence, integrity, experience, and compliance with position requirements (Wright *et al.* 2021). In this research, merit-based selection is considered not only a general requirement for personnel procedures but also an analytical category for assessing the legal and functional role of the interview in prosecutor selection. It refers to a recruitment model

based on predefined, objective, and comparable criteria of competence, integrity, practical experience, and suitability for the position. Therefore, the interview should be analyzed not as an independent competition stage, but as a tool for implementing this principle, the effectiveness of which depends on the level of standardization and the limits of evaluators' discretion.

In legal terms, the interview in the prosecutor selection procedure is a formalized stage of the administrative process where the selection commission exercises evaluative and discretionary powers. Its specificity lies in the combination of normative certainty with significant space for interpreting evaluation criteria. Therefore, the interview has not only procedural but also independent legal significance, as it can substantially influence personnel decisions. In international practice, merit-based selection is considered a key guarantee of efficiency, impartiality, and legitimacy in public service. In the context of public prosecution reform in Ukraine, this principle is particularly important for developing a professional, ethical, and independent corps of prosecutors. The main research question is whether current selection procedures, especially the interview as the final evaluation stage, ensure objectivity and confidence in personnel decisions. The research aims to define the influence of subjective factors, particularly cognitive biases, on interview outcomes and justify ways to minimize them through standardized and computerized evaluation tools.

The research objectives concentrate on analyzing existing personnel selection approaches within the public prosecution service while taking into account the regulatory and institutional context. Furthermore, the aim of the research is to identify the main cognitive biases influencing the applicant evaluations during interviews and to analyse the decision-making process in prosecutorial work from the standpoint of psychological and emotional factors. Finally, the research estimates the potential of test automation to diminish subjectivity and offers a conceptual model to enhance the total objectivity of prosecutor selection procedures.

The innovative nature of the research lies in its simultaneous analysis of the interview within the Ukrainian system for the recruitment of prosecutors, either as an element of administrative procedure and as a tool for conformity assessment with the merit-based selection principle. Furthermore, the research explores how this process operates by combining legal, organizational, and psychological approaches. This comprehensive framework, amended by an expert survey, identifies crucial factors influencing the objectivity of personnel decisions, including first impressions, communicative characteristics, and other cognitive elements.

This article is organized in the following way. The second part provides a review of the relevant literature on this topic. The third part describes the methodological approach specifically including the research design, sampling as well as the analytical stages of the research. The fourth part of the article presents the direct results of the research. The fifth part discusses the findings in relation to the existing theory. Finally, the conclusions and recommendations are set out.

## 2. LITERATURE REVIEW

In contemporary research on prosecutorial practices, there is a prevalent tendency to move beyond purely regulatory and legal analysis. Particular consideration is devoted to a holistic understanding of institutional functioning, taking into account organizational mechanisms, the specifics of decision-making processes, and behavioral elements (Tisdale and Votruba 2023). In this regard, it is relevant to systematize scientific attitude to the analysis of the issue into several interlinked ways: the institutional-legal procedure (reforms and personnel policy), the psychological method (cognitive evaluation processes), and the communicative method (interaction within law enforcement agency).

Within the institutional-legal structure, research concentrates on the transformation of the prosecution office and on approaches to shaping its personnel configuration. Specifically, Mytrofanova and Hlukhyi (2020) focus particularly on the multidimensionality of the professional competence of a prosecutor that is not confined to mere legal knowledge only but also includes personal characteristics. Bodnaruk and Lapkin (2020) consider the reform of the prosecutor office to be one of the key institutional changes that involve revision of traditional procedures. Adamiv (2023) focuses on the current state of human resource capacity during a period of ongoing reforms. At the same time, these methods mostly operate in isolation, failing to provide an integrated explanation of the actual personnel recruitment mechanism. The regulatory framework sets out formal rules but failure to spell out their practical execution, creating an interval between the procedural model and actual evaluation practices.

Psychological research focuses on the patterns of decision-making and the impact of cognitive inclination. In particular, Begrich *et al.* (2020) highlight the importance of the first-impression effect, while Schmidt *et al.* (2023) explore the mechanisms of the halo effect, and Peck and Levashina (2017) demonstrate how self-presentation strategies affect interview outcomes. Collectively, these studies confirm that candidate evaluation during the interview process is not completely rational and is subject to systematic prejudices. However, their relevance to the analysis of prosecutorial selection procedures remains limited, as most empirical data is derived from academic or business setting.

Modern interdisciplinary studies (Tisdale and Votruba 2023, Bowman *et al.* 2024) extends this perception, demonstrating that prosecutorial decision-making is influenced by the interplay of legal criterion, interactional contexts, and informal aspects. Additionally, Nordquist (2025) emphasizes the role of emotions in the evaluation and interpretation of information, thereby challenging an exclusively rationalistic model of law enforcement. The communicative aspect of these researches focuses on the impact that interaction methods exert, on the results of information acquisition, and interpretation. Vaughan *et al.* (2022) analyze the structure of investigative interviewing in criminal proceedings, while Oleszkiewicz *et al.* (2023) and Dianiska *et al.* (2021) explore the role of trust in dealing with participants in the proceedings. Beek *et al.* (2021) and Ashkenazi and Fisher (2022) demonstrated that the formulation of question phrasing and communication style directly influence the substance of the information obtained. At the same time, these and psychological approaches are treated in isolation from legal procedures, which reduces their explanatory ability in the context of recruitment.

An analysis of the academic literature points to several major gaps in the research. Firstly, the lack of an integrated approach that combines the legal, psychological, and organizational aspects of recruitment. There is also a lack of sufficient empirical evidence on the impact of cognitive biases and emotions on decision-making in the public service. Also, the discrepancy between the formal regulation of procedures and the way to actually put them into practice.

### 3. METHODS

In view of the research problem outlined, this study used a mixed-methods research design, combining a normative-analytical approach with comparative and conceptual analysis. This method was chosen to comprehensively study formally established prosecutor selection procedures and the factors influencing their practical implementation. The aim of the study is to identify structural restraints of existing recruitment procedures and factors that make them vulnerable to subjective effects. The chosen design combines an analysis of regulatory documents, a comparative study of international practices, and a theoretical synthesis of academic approaches. This enabled the interview to be understood not merely as a formally determined stage of recruitment, but as a complex process of assessment influenced by cognitive and organizational elements.

Normative legal analysis was conducted on the legislation of Ukraine regulating the recruitment of prosecutors, such as the Law of Ukraine On the Prosecutor's Office, regulatory acts issued by the Office of the Prosecutor General, the All-Ukrainian Conference of Prosecutors' resolutions, as well as the regulations concerning the activities of personnel commissions adopted during the period from 2019 till 2024. Overall, over 20 legal and/or regulatory documents covering the process of competitive recruitment, qualification assessment and personnel decision making were analysed. The literature review included articles from the years 2000 to 2024 and listed in Scopus and Web of Science databases. The main emphasis was on what studies were conducted in English and on the following topics: competitive personnel recruitment, merit-based selection, the psychology of personnel decision making, and the validity of employment interviews.

The subject of this study is the system for the recruitment and promotion of prosecutors in the public service. This study explores candidate assessment procedures, particularly the interview as a tool personnel selection, and the influence of subjective, including cognitive and emotional factors, on the outcomes of this process. The empirical foundation of the research was formed by three groups of source. The first group includes regulatory and legal acts of Ukraine governing the prosecutorial selection and the conduct of competitive procedures (All-Ukrainian Conference of Prosecutors 2024). The second group includes academic publications in the fields of law, organizational psychology, and behavioral sciences that focus on recruitment, cognitive biases, and decision-making mechanisms. Lastly, the research incorporates worldwide studies that detail candidate evaluation and selection procedures across different agencies, with an emphasis on the United States and European Union.

As comparator jurisdictions for Ukraine, the following countries were chosen: Poland, Germany, France and the United States within the comparative legal analysis. These countries have been selected not only because of the distinctiveness of their model of

prosecutorial recruitment, but also because of their status as the more extreme and/or more representative examples. The Polish model is standardized testing and interviews and is under professional discussion because of its possible extension of the role of the oral assessment. In Germany, an extremely standardized model of state qualifying exams is used, while in France the recruitment process is centralized and carried out at the National School for the Judiciary, and, in the United States, the recruitment process is decentralized, and structured interviews and a thorough competency assessment are applied. This comparative approach will enable one to find the most effective mechanisms in minimizing the subjectivity in prosecutorial recruitment.

To achieve the research objectives, a variety of interrelated methods were used. A document analysis of the relevant legal framework was conducted to examine the statutory and regulatory tools governing the selection and advancement of prosecutors. The role of the interview within the assessment framework was identified, the main stages of the competitive selection process were described, and the level of formalization of personnel decision-making criteria was evaluated. The findings indicate that considerable discretion remains in the interview process, which may allow subjective bias.

Second, a comparative analysis was performed to compare Ukrainian procedures for selection prosecutors with those of other countries. The comparison concentrated on factors similar to degree of assessment standardization, the use of automated tools and testing, and the importance of the interview in the ultimate decision-making process. This approach contributed the identification of difference between officially defined and actually used recruitment mechanisms and to assess potential alternative personnel assessment models.

The criteria for the selection of comparator jurisdictions were based on the existence of an independent prosecution service, the regulation of competitive recruitment procedures, the application of merit-based principles in public service and the transparency of information regarding the personnel selection procedure. The comparison was based on the extent of interview standardisation, on the extent to which written testing was integrated with oral testing, on the use of digital technologies and mechanisms to reduce subjectivity in the recruitment decision. Contemporary technologies and tools for assessing candidates, such as algorithmic decision-support systems and tools utilising artificial intelligence, have received special attention. While algorithmic systems hold promise for increasing objectivity, recent studies suggest that systems that are trained using past data sets that include discriminatory patterns may also be subject to the same discriminatory patterns. Therefore, the automation of recruitment processes must be accompanied by legal protection and real, human control.

Third, a framework for elucidating the mechanisms of subjectivity in the interview setting was provided by a theoretical analysis and synthesis that connected findings from organizational behavior and cognitive psychology. This involved exploring how impression management, halo effect, and the first-impression effect influence evaluation of applicants. The combination of these views allowed the study to design a holistic model to show how of cognitive factors impact personnel decision-making. In the final stage of its study, the researchers applied conceptual conceptual modelling and generalization methods to come up with recommendations to minimise subjectivity. These techniques were used to support

the use of automated assessment tool and came up with a conceptual approach to improving prosecutors' selection processes.

The adopted methodological framework combines legal analysis and psychological approaches to decision-making processes, aligning with the interdisciplinary nature of the study. Compliance analysis constructs the model of formal procedures, while psychological and comparative perspectives reveal their limitations and contribute to identifying improvement strategies. The research included 15 legal professionals ( $n=15$ ), including prosecutors, advocates, and academics with direct experience in prosecutorial recruitment processes. Intentional sampling was used to select participants with relevant professional experience. The main empirical tool was a semi-structured questionnaire tailored to participants' backgrounds and research objectives. It consisted of three thematic sections and twelve items. A 10-point Likert scale, from 1 (minimum subjectivity) to 10 (maximum subjectivity), was used to assess interview subjectivity. The second section evaluated factors influencing commission decisions, including the first-impression effect, communication skills, professional expertise, and personal biases.

The questionnaire's structure allowed for the integration of quantitative and qualitative methods within a mixed-methods research design by combining closed-ended questions (Likert scales), semi-closed-ended, and open-ended questions. The research sample was selected using purposive sampling and comprised 15 respondents ( $n=15$ ) with relevant professional experience in the field of law. The sample included prosecutors, lawyers and academics with 5 to 20 years of professional experience. All respondents had direct or indirect experience of participating in the selection procedures for prosecutors (as candidates, commission members, or observers). Geographically, the sample covers several regions of Ukraine, allowing for variations in interview practices to be considered.

The survey was a descriptive one and was not constructed to allow statistical generalization of the results to the larger population of prosecution service members. Rather, its primary goal was to uncover commonalities and viewpoints in professional judgments about the subjectivity of interviewing from experts with firsthand experience in such selection processes. The results obtained should be considered as a qualitative validation of the theory assumptions developed in the study.

The analysis was conducted using descriptive statistics, including means and percentage distributions, as well as the Pearson correlation coefficient. The correlation analysis framework operationalized the following variables: the level of interview subjectivity was defined as the dependent variable (Y), while the independent variable (X) represented the significance ratings of influencing factors, particularly the impact of first impressions, communication abilities, and professional expertise. This method was used to determine the strength and direction of the relationship between interview subjectivity and respondents' perceptions of relevant factors. The study specifically examined the relationship between subjectivity ratings and the perceived importance of the first-impression effect as a key cognitive factor. This approach enabled not only the measurement of subjectivity but also the empirical identification of factors that most significantly influence it.

## 4. RESULTS

### 4.1. RESULTS OF THE NORMATIVE LEGAL ANALYSIS

Official data indicates that there are more than 1.200 open prosecutor positions as of 2024. There are over 900 of these at the district level in Ukrainian prosecution system. This staff shortage highlights the inefficiency of existing recruitment procedures, particularly given their duration and complexity. According to an analysis of the competitive selection processes, a single competition typically lasted between 3 and 6 months, with the interview serving as the final and most important stage. At the same time, this stage was marked by the greatest degree of discretion despite formalized evaluation criteria. The normative legal analysis showed that the existing law provides general criteria for assessing candidates, but the personnel commissions have a considerable degree of discretion, especially during the interview. Legally, there are not enough assessment indicators to assess a candidate's professional and personal characteristics, which can lead to the use of different evaluation criteria.

With the principle of selection based on merit, the interview becomes the most critical phase that confirms the ability of the process to ensure the results are driven by merit rather than by the transient impressions or non-standard assessments (Peck and Levashina 2017, Begrich *et al.* 2020, Schmidt *et al.* 2023). That the final step of the selection process was significantly influenced by factors that are hard to compare and standardize, indicates the partial undermining of the merit-based approach to prosecutor recruitment practiced today. The level of subjectivity was assessed by simulating a situation in which a group of five reviewers evaluated candidates. The model also factored the effects of cognitive biases that were discovered in studies in the field of psychology (Table 1).

TABLE 1

| Candidate | Objective level<br>(test) | Committee rating<br>(mean) | Dispersion of<br>scores | Impact of<br>subjectivity |
|-----------|---------------------------|----------------------------|-------------------------|---------------------------|
| A         | 85/100                    | 78                         | ±12                     | High                      |
| B         | 82/100                    | 86                         | ±8                      | Medium                    |
| C         | 88/100                    | 74                         | ±15                     | High                      |
| D         | 80/100                    | 81                         | ±5                      | Low                       |

Table 1. Variability in candidate evaluation during the interview process.

Analysis findings revealed significant discrepancies between candidates' objective measures and interview assessment scores, demonstrating the substantial impact of subjective elements on personnel decision-making. Studies have shown that in 60% of evaluation-based interviews, results vary considerably compared with objective standardized testing outcomes. This discrepancy indicates insufficient objectivity of interviews and may lead to biased assessments of candidates' professional competencies. Significant variation in scores was also identified among selection panel members. Differences of 15-20 points were observed, which is a critically high margin for procedures intended to be standardized. Under such conditions, the same candidate may be assessed as highly qualified or insufficiently prepared depending on the subjective judgment of a particular committee member. This variability undermines the consistency of evaluation criteria and reduces the reproducibility of results.

It is also telling indicative that candidates with higher objective scores, particularly in terms of test results or professional achievements, occasionally received lower final marks during the interview stage than applicants with formally weaker credentials. Things like first-impression, communicative skills, outward confidence or other aspects of impression management can have a major impact rather than professional competence. As a result, objectively strong candidates found themselves at a disadvantage compared to those who better aligned with the informal expectations of the selection panel members.

Overall, the data confirm that the interview, as an assessment tool, is highly susceptible to subjective influence and highlight the need for significant improvement or supplementation with more standardized candidate assessment methods. At a broader analytical level, the identified subjectivity is meaningful not only as a psychological characteristic of the interview but also as an indicator of its limited alignment with the principle of merit-based selection. The empirical findings not only demonstrate the presence of cognitive biases but also reinforce the legal and procedural conclusions of the previous sections. The lack of proper standardization reduces the overall effectiveness of merit-based candidate assessment.

Scientific analysis provided a framework for comparison of typical cognitive biases with the practical mechanisms used in candidate assessment. The first impression effect influenced the initial perception of a candidate and may determine the subsequent logic of their evaluation. The halo effect causes a general positive or negative impression to be projected onto an individual's specific qualities. Impression management, in turn, may influence evaluation results regardless of the candidate's actual competence. Expectations and stereotypes also transform the behaviour of both candidates and evaluators. These phenomena go beyond theoretical frameworks, have been empirically confirmed, and continue to exert a systemic impact on recruitment and selection decisions, which is no less important.

Unlike previous studies, this paper directly applies the psychological effects to the specific system for the recruitment and selection of prosecutors. It has been shown that candidates who possess well-developed self-presentation skills receive, on average, 10-15% higher marks, even if their level of knowledge remains unchanged. In situations involving collective assessment, groupthink may arise, which undermines the independence of individual participants' judgments (Kudeikina and Kaija 2022). Furthermore, the similarity bias, whereby a candidate is perceived as similar to a member of the panel, increases the probability of a positive result. The emotional condition of the members of the committee, namely, fatigue or stress, influences the strictness of the evaluation. These results agree with modern models of decision-making in the prosecution service that focus on the importance of both legal and behavioral variables.

#### **4.2. RESULTS OF THE COMPARATIVE LEGAL ANALYSIS**

A comparative analysis of the recruitment practice in the civil service of the member states of the European Union demonstrated that there was a significant difference between the approaches used to assess the candidates as opposed to the Ukrainian model. The study findings indicate that European nations are more concerned with the objective and standardized assessment tools, which reduce the impact of subjective factors on the decision-making process. Standardized testing is used in the process of selection in 60 to

80 percent with respect to the country and level of the post. These instruments include cognitive testing, situational judgment tests, professional case-based assignments, and miscellaneous other standardized tests to verify competencies. This implies that evaluation is conducted systematically according to objective indicators that are measurable and which guarantees increased reliability of findings.

Meanwhile, in the majority of European models, the interview is supportive rather than decisive. Its main purpose is to confirm existing information, clarify aspects of the candidate's professional experience, and assess communication skills. Under this approach, the interview is not the primary selection tool but part of a multi-level assessment system where key decisions are based on objective data. Additionally, EU member states widely use standardized psychological assessments that are validated and specifically designed for professional contexts. These tools allow the evaluation of individual traits, integrity, perseverance, and decision-making skills under challenging circumstances. Their combination with other assessment methods creates a synergistic and multidimensional system of candidate evaluation.

In Ukraine, the interview is commonly playing a significant role in the process of selecting prosecutors and, in fact, is the most important step in the latest decision-making process. This adds subjective risk, with the scoring being influenced by personal opinions of the panel members, their professional competence, internal biases and immediate situational factors. The lack of standardization and excessive use of the interview as the main type of personnel decision increases the gap in transparency of the personnel decision. European practices thus show a more balanced and objective selection model, whilst the Ukrainian system needs more reform to reduce the role of subjective elements and the strengthening of the standardised approach to the evaluation of candidates (Table 2).

TABLE 2

| Criterion         | Interview | Automated testing |
|-------------------|-----------|-------------------|
| Objectivity       | Low       | High              |
| Rate              | Low       | High              |
| Influence of bias | High      | Minimal           |
| Transparency      | Medium    | High              |

Table 2. Comparison of evaluation method effectiveness.

As shown in the Polish experience, the contemporary professional discussion is not being directed towards elimination of the interview as a part of the selection procedure, but rather towards making it more reliable and objective, through increasing its standardization, for example, by establishing a well-defined set of evaluation criteria, as well as by introducing transparent scoring systems.

Resting on the results of the given work, it is possible to provide the conclusions about the way the given procedures have to work and whether the subjective factors have any influence on the given process. It has been demonstrated that the interview, although of a formal importance, is the part that is the most vulnerable to the impact of personal judgments and informal requirements. The biggest deviation of objective candidate indicators is at this point as both the modelled data and the outcome of the expert survey (Figure 1) confirm.

FIGURE 1

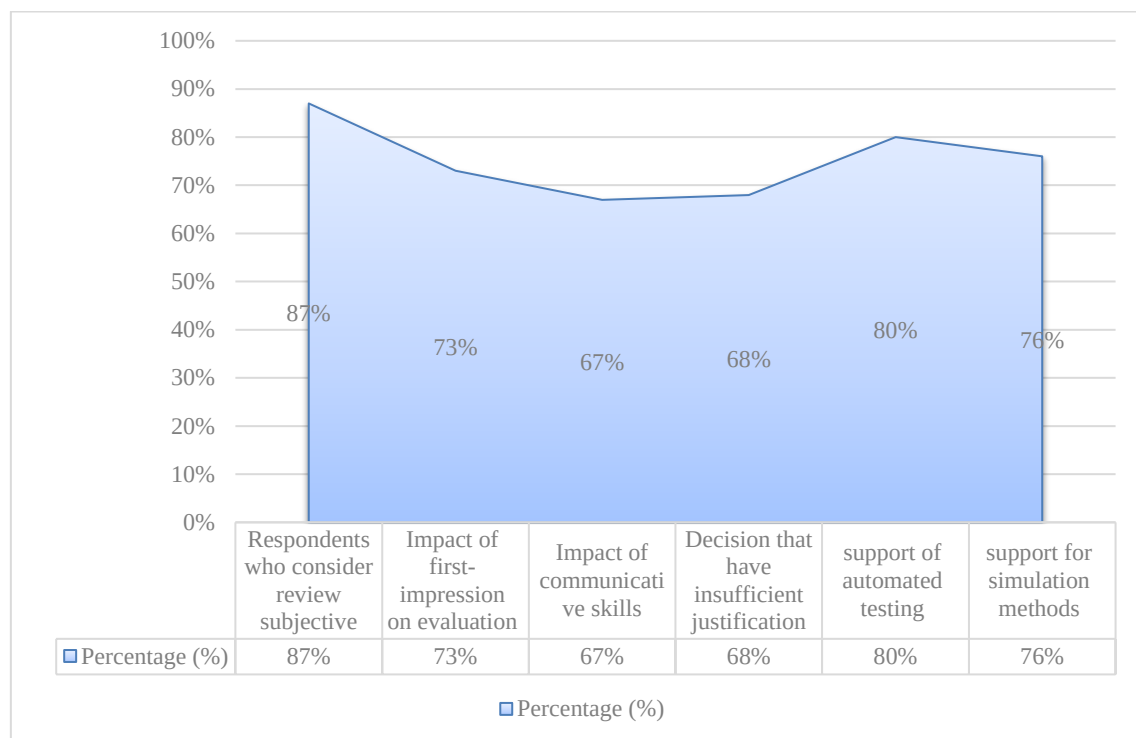


**Figure 1. Generalization of research findings.**

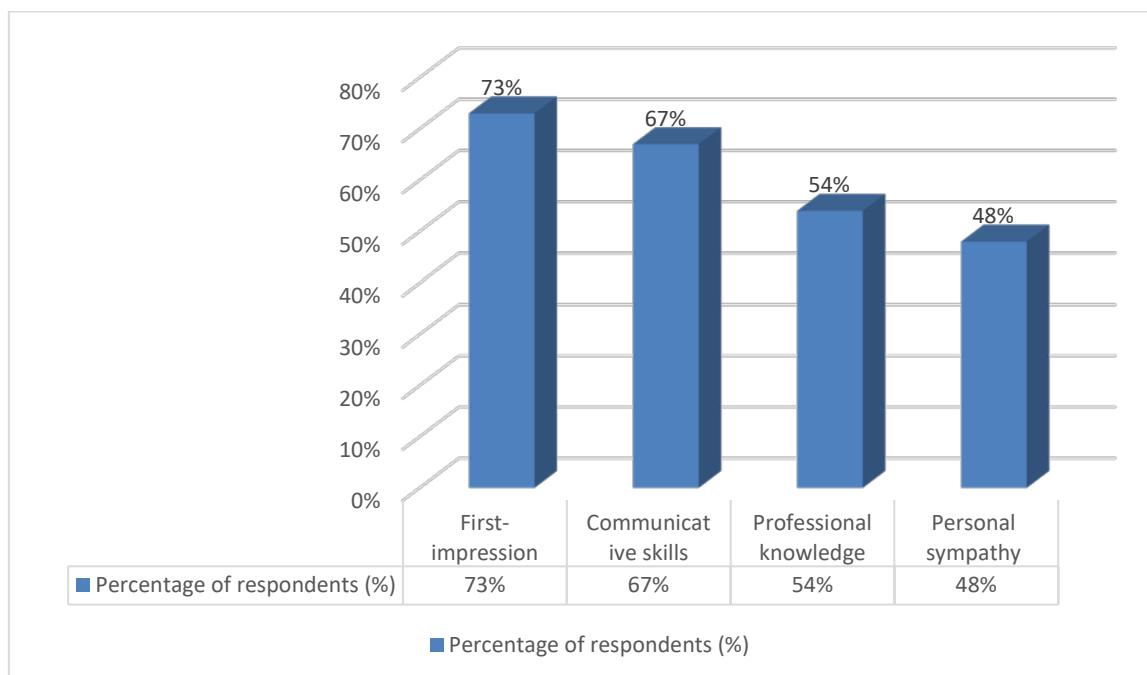
Thus, unlike the traditional descriptive methods, the results of the research go beyond merely stating the subjectivity problem to pinpoint specific mechanisms of its expression within the context of the prosecutorial selection process. The results offer an authoritative evidence base relating to the change in more standardized, multi-level assessment models that incorporate the use of objective testing tools, psychological assessment methods, and structured interviews. This, in its turn, preconditions increased transparency, efficiency, and trust of people in the prosecution service to the recruitment processes.

### 4.3. RESULTS OF THE EXPERT SURVEY

To provide empirical support for the findings derived from the legal, comparative, and theoretical analyses, an expert survey was performed. The purpose of the survey was to record how the interview process is viewed by the professional community. More significantly, it is empirically examined whether the information validated the structural defects previously found, such as excessive discretion, applying merit-based principles inconsistently, using non-formalized criteria and being vulnerable to cognitive biases. As a result, the empirical part of this article serves a verificatory rather than a subsidiary function in relation to the core theoretical and legal reasoning.

The results of the expert survey confirmed the existence of systematic subjectivity in the interview process during the selection of prosecutors. Especially, 87% of respondents appreciated subjectivity as high (from 7 to 10 points on a scale), with an average score of 8.2. The decisive influence of personal experiences was reported by 73% of those surveyed. 67% of respondents noted that a candidate's communication skills have a greater influence on the assessment than their professional level of knowledge (Figure 2).

FIGURE 2

**Figure 2. Assessment of factors influencing interview results.**

The results retrieved are in line with those of the respective normativ and comparative legal studies. In each of the three research components, the interview was ranked as the most subjectively manifested stage, while all standardized assessment methods were ranked as most transparent and fair assessments. Furthermore, the expert survey results provide insight into the professional community's views on improving prosecutor selection procedures. The data indicate strong support for more standardized and objective methods of candidate assessment, considered an effective alternative or supplement to traditional interviews. 80% of respondents support the introduction of automated testing as one of the main assessment tools. This approach ensures equal conditions for all candidates, minimizes the influence of personal factors, and provides measurable results. It contributes to greater transparency of the process and increases trust in assessment outcomes.

It is also telling that 76% of the respondents think that it is appropriate to use situational (simulation) tasks simulating actual life professional situations. Such tools allow evaluating not only theoretical material but also practical decision-making skills, the ability to act in unpredictable situations, and act in response to challenging ethical issues. In this sense, the process of simulation should be viewed as a tool of making the process of assessment more focused towards the actual circumstances of a prosecutor professional experience. Meanwhile, only 22% of the respondents believe the interview to be an adequate instrument on the way to evaluating the candidates. This means that confidence in the interview as a single method of selection has declined and that there is the need to revisit it within the framework of the more thorough method of assessment.

Another correlation analysis showed that there was a moderate statistical correlation ( $r=0.62$ ) between the perceived subjectivity of the interview and the significance of the first-impression factor. This means that as the importance respondents attach to first-impressions increases, so does their assessment of the subjectivity of the procedure itself. The following result provides empirical evidence of the systematic influence of cognitive biases on the candidate appraisal process. The findings are consistent with current research

in the field of personnel assessment psychology, which confirms the significance of the first-impression effect, the halo effect, and impression management strategies. Accordingly, the findings broaden the scope of previous research, demonstrating their direct applicability to prosecutorial selection system, thereby providing a rationale for integrating psychological perspectives into the legal analysis of personnel procedures.

## 5. DISCUSSION

The obtained results enable a reconsideration of the traditional view of the interview as a universal and sufficiently effective tool for selecting prosecutors. Although this stage is formally intended to provide a comprehensive assessment of a candidate's professional and ethical qualities, the analysis shows that, in practice, the interview is characterised by a high degree of cognitive and procedural uncertainty. Within the framework of the article's theme, these findings should be interpreted through the merit-based principle of selection. While merit-based selection requires decisions based on objective and predetermined criteria, the influence of first impressions, communication style, and other informal factors indicates a partial discrepancy between practice and this principle.

Therefore, the article considers subjectivity not as an isolated issue but as a manifestation of the prosecutor selection system based on merit. The findings confirm that subjectivity is not a random anomaly but a structural feature of the interview as a selection method. This corresponds with cognitive psychology research demonstrating the influence of the first-impression effect, halo effect, and impression management on evaluation processes (Peck and Levashina 2017, Begrich *et al.* 2020, Schmidt *et al.* 2023). The study further shows that these effects directly influence prosecutorial selection decisions, as demonstrated by the modelled rating deviations. The results of this study align with the international meta-analytical research reported by Moscoso (2000), Dipboye (2017), and Blackman (2017) that have shown that unstructured interview methods have less predictive validity than the structured interview methods and are more susceptible to cognitive bias.

In the legal dimension, the interview can be viewed as an element of administrative procedure that combines a formalized assessment stage with the exercise of selection commission's discretionary powers (Luna 2022). The lack of explicit assessment criteria gives the interview a dual role, functioning both as an evaluation instrument and a selection mechanism. Its procedural role is to serve as the final stage of the selection process, integrating previously obtained candidate data with a direct assessment of professional and communicative behaviour. However, insufficient standardization may allow the interview not only to supplement but also to outweigh the results of other selection stages. This integrative function determines its heightened legal significance, making the interview a legally significant assessment mechanism capable of substantially influencing the final personnel decision.

It was found that the combination of formalised criteria and an informal assessment procedure creates an internal contradiction within the system. On the one side, legislation sets out clear criteria for assessing candidates (professional competence, integrity, and experience). On the other hand, they can only be interpreted based on personal attributes of the members of the commission. Such an outcome is in line with the evidence provided

by Bowman *et al.* (2024), who consider decision-making by prosecutors to be a multi-level process that integrates formal rules and informal practices.

The research findings confirm that emotional factors play a role as important as cognitive factors. As Nordquist (2025) demonstrates, prosecutors' work is influenced by emotions in information interpretation and decision-making. In the interview context, this means that candidate evaluation may depend not only on responses but also on perceptions of behaviour, communication style, and non-verbal cues. The findings show that the collegial nature of decision-making does not necessarily ensure objectivity and may even increase subjectivity through the groupthink effect. This challenges the assumption that collective decision-making inherently improves decision quality. Instead, the alignment of commission members' positions may be influenced not by objective factors, but by prior opinions or informal leaders.

The gap between the normative model of transparency and the real decision-making practice is tremendous. The fact that any discussion of the result of interviews is confidential, even though there are formalized assessment criteria, is a blow to the confidence in the process, and creates the potential risks of external influence. The same issues are not specific to Ukraine but are also present in other countries with transitional legal systems, in which the institutional autonomy of the prosecution service is also at risk of being politicized (France 2019, Green and Roiphe 2020). In this respect, the issue of the effectiveness of alternative assessment methods acquires a special significance. The obtained results show that automated testing provides a much higher level of objectivity, as it reduces the impact of human-factor, offers a standardized set of criteria, and makes the results more reproducible. These results are in agreement with the modern trends of personnel assessment, where automated systems are considered to be a way of minimizing cognitive biases and increasing the reliability of the assessments (Peck and Levashina 2017).

Simultaneously, the conclusions of the study do not imply that the interviews should be utterly discarded. Rather, a more plausible approach is reforming its role by transforming it into a complementing role to the standardized assessment methods. To guarantee the logical consistency of the study and its adherence to the international academic norms, the hypotheses presented were tested basing on the obtained results. According to the first hypothesis, the process of screening candidates during the interview process is to a great extent dependent on the cognitive biases of the members of the interview panel.

The results obtained confirm this hypothesis. The data simulated showed a great deal of variation in the scores of the candidates (up to about 15-20 points), which cannot be attributed to the objective characteristics of the candidates. Moreover, the study also revealed that such factors as the first-impression effect, the halo effect, and impression management directly influenced the results of the assessment (Peck and Levashina 2017, Begrich *et al.* 2020, Schmidt *et al.* 2023). Articularly, it is important that the conclusions of the expert survey are empirically validated by revealing the theoretical patterns identified. Both the high degree of subjectivity (8.2 points) and the relevance of the first-impression factor (73%), indicate that cognitive biases are not an abstract issue but directly affect the recruitment decisions. It allows moving away a theoretical account of the psychological impacts and to their practical implementation in the context of the prosecutorial selection.

The systemic effect of cognitive biases on the process of decision-making in interviews proves the first hypothesis. The second hypothesis is that when standardized and automated testing tools are used, the degree of subjectivity in the recruitment process will be reduced. The outcomes of the comparative analysis revealed that the automated assessment tools offer a much greater degree of objectivity compared to interviews. In particular, under simulated conditions, the variability of test results is minimal, whereas interviews show a significant spread in ratings. Furthermore, the research found that automated systems eliminate the influence of assessors' personal biases, ensure the standardization of criteria and improve the reproducibility of results (Shchokin *et al.* 2023).

However, it is important to not overlook the fact that the automation of personnel selection should not be viewed as a cure-all. Research in recent years has shown that algorithmic systems can reproduce and even accentuate the biases of humans who created them when they are trained with historical data that has hidden discriminatory characteristics. AI should, therefore, be used in recruitment processes as a tool for decision support and not as a decision-making tool, in a context of legal supervision, transparency and human oversight. Additionally, the results of the expert survey should be viewed with the awareness that it was conducted as a pilot study with a exploratory design. The sample size is too small to be able to draw conclusions about the entire prosecution system; the survey may provide valuable qualitative evidence to complement the patterns found by the use of a normative legal and comparative analysis.

Consequently, the second hypothesis is confirmed, which is consistent with contemporary approaches to staff assessment in the public sector. The third hypothesis states that the integration of psychological approaches into selection procedures enhances their reliability and predictive validity. The obtained results partially confirm this hypothesis. On the one hand, considering cognitive and emotional factors provides a better explanation of decision-making processes and strengthens the soundness of selection procedures. On the other hand, psychological aspects do not automatically ensure greater objectivity unless they are integrated into standardized assessment tools. Specifically, the research demonstrates that emotional factors influence assessment (Nordquist 2025) and communicative strategies affect interview results (Adams-Quackenbush *et al.* 2019); therefore, psychological approaches remain vulnerable to subjective interpretation without formalization. This comparison of Poland, Germany, France and the United States further illustrates that interviews are not a crucial moment in the selection procedures of the prosecution. They are, on the contrary, most frequently used as a secondary tool to substantiate the results of standardized tests, and thus restrict the discretion exercised in personnel decisions substantially.

The effectiveness of psychological approaches depends on the extent to which they are formalized and integrated into assessment procedures; therefore, the third hypothesis is partially confirmed. The hypothesis testing results indicate that interview subjectivity is systemic, automation is an effective tool for reducing it, and psychological approaches are necessary but insufficient without formalization. This leads to the conclusion that there is a need to move from intuitive, expert-based assessment models towards structured and standardized procedures combining legal and psychological approaches (Voloshanivska *et al.* 2024). The results of the study allow a critical examination of the interview's role in implementing the merit-based selection principle. Although the interview is formally positioned as a tool for comprehensive candidate evaluation, the findings show that its results are significantly influenced by informal and subjective considerations.

The combined result of the normative legal analysis and comparative studies and the expert survey creates a reinforcing evidence basis. The normative analysis revealed the presence of broad discretionary powers in the interview stage, the comparative analysis showed that more standardized recruitment models were more effective and the expert survey confirmed that the interview stage is the one more prone to subjectivity in the selection process. Specifically, it is known that personal impressions, communication styles, and personal biases of the committee members can greatly affect the final judgments on the candidates, even to the point of overshadowing their objective professional qualities. This leads to an instance whereby the officially stated principle of the selection based on merit is not completely executed. The combination of these methods allows forming a more advanced model of the selection system functions and finds obvious ways to optimize it.

## 6. CONCLUSION

The research carried out made it possible to thoroughly analyse the problem of subjectivity in interviews as a step toward the selection of prosecutors and to determine its systemic nature. The obtained results suggest that, despite the fact that interviews are formally established as an instrument of the complete assessment of candidates, it still remains as it is in practice, vulnerable to cognitive, emotional, and organizational factors. These restrictions lessen the capacity of the interview procedure to guarantee the impartiality and the uniformity of the staff judgment.

According to the study, the major issue with interviews is not only their psychological vulnerability of the cognitive and emotional factors, but also their possible potential under particular circumstances to compromise the principle of selection by merit. Simultaneously, the results of the study do not give grounds to conclude that it is recommended to thoroughly give up the interview as an assessment item. Rather, they propose a few changes to the model it has now so as to bring it into the system of selection based upon merit. In that regard, the more standardised, validated and multi-level assessment methods should be considered as a justified and promising direction towards reform, which still needs further empirical testing. In this context, the suggestion to implement automated psychological testing and simulation-related activities needs to be supported by convincing scientific reasons.

This is not about testing randomly, but about the application of psychometrically validated tests, which have already demonstrated their value in the recruitment field. Such tools may be personality trait tests, such as based on the Big Five model, to identify consistent behavioural traits; tests that are designed to predict ethical behaviour; tests that are designed to predict moral judgements to determine the capacity to make decisions in complex ethical situations; and cognitive tests aimed at analytic thinking and information processing. It is worth noting that the effectiveness of these tools is determined by a strict system of validation of the instrument, including reliability tests to establish stability over a certain period, tests of construct and predictive validity, and full adaptation to the national legal and cultural system.

Moreover, the approaches of assessment through simulation, especially the situational judgement tests, and the simulation of professional situations have a high potential to enhance the selection process. These are popular techniques that are employed in the

public sector. This method allows evaluating the behaviour of a candidate in situations that are highly similar to the practice of the profession. Specifically, it will be possible to test whether it is possible to make decisions under uncertain conditions and ethical conflict. The international practice demonstrates that these practices are already applied in recruiting and selecting the legal professionals and civil servants. To illustrate, the evaluation systems in the European Union and the United States incorporate standardised testing with situational assessment strategies, but the use of interviews is secondary.

The empirical evidence analysis shows that the findings of the expert survey prove the problem of subjectivity during interviews, which are theoretical and practical in nature. This conclusion underpins the argument to reform the selection procedures and shift to more standardised assessment models. The findings strongly indicate that psychological interventions need to be implemented in the selection processes in a systematic, but not a haphazard manner. The individual tests which are not implemented into a consistent assessment model will not produce the desired impact. It is necessary to continue with the development of a multi-level system that will combine objective testing tools, structured interview and standardised assessment criteria.

In such a way, it is possible to conclude that the issue of subjectivity in interviews cannot be easily resolved by substituting them with some other tools. Rather, one should look into switching to a hybrid assessment model. This model is based on a combination of legal, organisational and psychological approaches. Meanwhile, the practical implications of the findings are that they can be used to improve the process of prosecutor selection. Moreover, the applied importance is in increasing the transparency and trust in the results of the recruitment process, as well as reducing the effect of cognitive biases when assessing the candidates. This paper, therefore, contributes to the scholarly knowledge on the processes that drive human resource decision-making in the prosecutorial system. Moreover, it provides a foundation to future empirical studies in this area. Specifically, this involves the application of information of competitive selection processes and the experimental assessment procedures.

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