



Polygraph testing for judicial candidates: necessity or formality?

Atajanov Azizbek Abdimalikovich

Independent researcher of the Law Enforcement Academy of the Republic
of Uzbekistan, Doctor of Philosophy in Law (PhD), Uzbekistan

OPEN ACCESS

SUBMITTED 23 March 2025

ACCEPTED 19 April 2025

PUBLISHED 22 May 2025

VOLUME Vol.07 Issue05 2025

CITATION

Opinion D. Iyamba, & Olanrewaju Yusuf. (2025). The role of governance
and institutional frameworks in addressing political and ethno-religious
conflicts in Nigeria. *The American Journal of Political Science Law and
Criminology*, 7(05), 134–146.

<https://doi.org/10.37547/tajpslc/Volume07Issue05-16>

COPYRIGHT

© 2025 Original content from this work may be used under the terms
of the creative commons attributes 4.0 License.

Abstract: The need for transparency and professionalism in judicial systems has grown significantly, especially in countries undergoing legal reforms. This article explores the relevance and potential application of polygraph testing in the selection of judicial candidates. Drawing on international experiences—particularly from Kazakhstan, Ukraine, and the legislative debate in Kyrgyzstan—the article examines how polygraph examinations are integrated into multi-stage selection systems. In Kazakhstan, polygraph testing is a mandatory part of the qualification process for future judges. Ukraine also implements polygraph testing, especially within anti-corruption courts. In contrast, Kyrgyzstan has considered but not adopted such measures legislatively. The article outlines the benefits of polygraph testing, such as identifying concealed risks, reducing corruption, increasing public trust, and enhancing the objectivity of selection. It also highlights key limitations, including limited reliability, legal admissibility concerns, psychological pressure, and financial costs. The author then evaluates the prospects for introducing polygraph testing in Uzbekistan’s judicial system, noting the importance of legal regulation, expert training, public awareness, and adherence to ethical principles. The article concludes that while polygraph testing should not replace traditional evaluation tools, it may serve as a complementary mechanism for improving transparency and integrity in judicial appointments.

Keywords: Polygraph testing, judicial candidates, integrity assessment, judicial reforms, transparency, psychological evaluation, legal admissibility, anti-corruption, public trust, judicial selection process, legal ethics, personnel vetting, confidentiality.

Introduction: In the modern world, the demands for professionalism and transparency in the judiciary are steadily increasing. A judge plays a crucial role in ensuring justice and protecting the rights of citizens. Therefore, the selection of candidates for this position requires thorough verification of their competencies, moral integrity, and reliability. One of the tools that attracts both supporters and critics is polygraph testing. Although this method is controversial, it has already been applied in several countries, and its prospects in Uzbekistan are of particular interest. This article discusses international practices in the use of polygraphs for judicial selection, their advantages and disadvantages, and examines how this approach could be adapted in Uzbekistan.

Polygraph testing prior to employment is a standard pre-employment screening procedure for candidates in various professions abroad. Most people are familiar with this form of testing from Hollywood films. But the question arises: for which positions and under what circumstances is this procedure applied? In the United States, a polygraph test is required for all federal government agencies that conduct investigations, work in criminal justice and law enforcement, or handle classified information. This requirement also applies to positions in local and state police departments, sheriff's offices, fire departments, 911 dispatch services, emergency medical services, certain correctional institutions, car rental companies working with large amounts of money, and pharmaceutical companies involved in the transportation and sale of prescription drugs [3].

In the U.S., judicial candidates typically do not undergo polygraph tests as part of the standard selection process. Judicial appointment procedures in the U.S. vary depending on the level of the court.

So why do some agencies require polygraph tests before employment?

First, it is about building authority and trust in relationships with others.

Second, it is essential for entrusting candidates with confidential and classified materials and information that they will handle or investigate. It also evaluates the ability to collaborate effectively as a team member and determines whether the candidate can be relied upon as a trustworthy colleague. In addition, it includes studying previous experience—especially when the candidate will be working with money, finances, drugs, or pharmaceuticals.

Finally, the test evaluates the candidate's mindset and personality in interpersonal interactions, especially for leadership positions. It is aimed at ensuring that the candidate does not harbor hidden motives for

exercising authority over others.

Looking at the experience of the Republic of Kazakhstan, since 2015, the judicial candidate qualification exam has consisted of three stages: a test on knowledge of Kazakhstan's legislation, solving situational tasks, and psychological testing. A mandatory polygraph examination has also been introduced, alongside regulations governing the internship process and extended internship periods.

The first stage assesses the candidate's theoretical knowledge of legal norms. The second stage, conducted in the form of an oral interview using exam tickets, evaluates the candidate's ability to solve situational tasks from judicial and investigative practice. The third stage, conducted as a psychological test, determines the psychological characteristics of the judicial candidate.

After successfully passing all three stages of the qualification exam, candidates proceed to the fourth procedure—polygraph examination—in accordance with the "Rules for Polygraph Testing of Judicial Candidates." This stage aims to gather additional information and verify the accuracy of information provided by the candidate. The polygraph test is conducted by a certified examiner through pre-test interviews and testing. Based on the results, the polygraph examiner issues a non-binding recommendation and submits it to the Office of the High Judicial Council of Kazakhstan for internal use.

Those who pass the computerized legal test, the oral exam, the psychological assessment, and receive a positive polygraph recommendation are issued a certificate valid for four years from the date of the qualification exam. In other cases, retaking the exam is only permitted one year after the original attempt [4].

According to Article 15 of the Law "On the High Judicial Council" of the Republic of Kazakhstan, the main purposes of polygraph testing are to identify:

- 1) unlawful intentions;
- 2) hidden behavioral disorders, negative dependencies, or the use of narcotic, psychotropic, or other psychoactive substances causing psychological and physical dependence;
- 3) concealment or falsification of biographical data, income, property, financial obligations, dual citizenship, or use of forged documents;
- 4) past involvement in corrupt acts or unauthorized disclosure of classified or official information;
- 5) connections with banned organizations, criminal or terrorist groups, or participation in commercial entities not previously related to official duties;
- 6) abuse of official authority [1].

In the draft Constitutional Law of the Kyrgyz Republic “On the Status of Judges,” it was proposed to include the provision: “A candidate may additionally submit the results of a polygraph examination. The procedure for assessing the results shall be determined by the Judicial Council.” However, the law in this version did not pass through parliament [2].

Judges of the High Anti-Corruption Court of Ukraine are also subjected to polygraph testing. This process consists of a non-invasive, health-safe interview using a computerized device that records psychophysiological reactions. These reactions are analyzed in response to psychological stimuli presented as answer choices, images, diagrams, or photographs. The test allows for the identification of deception and provides results in analog and/or digital form.

As international practice shows, polygraph testing in the selection of judicial candidates has its own specifics, benefits, and limitations. For a deeper understanding of its appropriateness, it is necessary to examine the main advantages and disadvantages of this method.

Key advantages of polygraph testing include:

Identification of hidden risks: The polygraph helps reveal information that candidates may have deliberately concealed. This could include prior legal violations, corruption, hidden dependencies, or other factors that may affect a judge’s ability to perform their duties. In judicial systems that prioritize independence and impartiality, such information is of critical importance.

Increased public trust: Undergoing a polygraph test demonstrates a high level of transparency and the candidate’s willingness to be scrutinized. This promotes greater trust in the selection process, showing that the system is committed to selecting only the most honest and qualified individuals.

Reduction of corruption risks: Corruption undermines the integrity of the judiciary. The polygraph helps identify potential vulnerabilities, such as susceptibility to bribery or unlawful connections, thus reducing the likelihood of appointing individuals with corrupt intent.

Objectification of the selection process: Polygraph results can complement other assessment tools, such as interviews and professional evaluations. This makes the process more objective and minimizes the influence of subjective biases and personal preferences.

Deterrent effect: Knowing that a polygraph test is required may discourage dishonest candidates from applying for a judicial position. This preventive

measure reduces the burden on the selection system by filtering out unreliable candidates early on.

Faster decision-making: When numerous candidates apply for judicial positions, the polygraph test can help speed up the selection process. It allows for quick identification of major risk factors, saving time and resources by focusing on the most suitable applicants.

However, the disadvantages include:

Limited accuracy: The polygraph does not guarantee 100% reliability. Physiological responses such as changes in heart rate, perspiration, or breathing may result from stress or anxiety rather than deception. This is especially relevant for judicial candidates, who may experience intense pressure during the test. Errors in the form of false positives or negatives may discredit qualified individuals.

Legal limitations: In some countries, polygraph results lack legal standing and cannot serve as a basis for rejecting candidates. For judicial appointments, this may raise legal and ethical concerns. The lawfulness and admissibility of polygraph use in the judiciary can become a subject of legal disputes.

Psychological stress: Undergoing a polygraph is stressful, especially for high-ranking candidates. Awareness that any physiological response may be misinterpreted as a lie increases pressure. This may result in inaccurate outcomes, even if the candidate is entirely truthful, thus affecting the objectivity of the process.

High cost: Organizing polygraph examinations requires significant financial resources. Given that the judicial selection process already involves expensive and complex stages, adding a polygraph increases the financial burden and may limit its accessibility—thus reducing equal opportunity among candidates.

Despite its potential benefits, the shortcomings of polygraph testing cast doubt on its necessity as a mandatory step in judicial selection. Its limited accuracy, legal and ethical concerns, dependence on examiner professionalism, psychological impact, and financial cost require careful analysis and a balanced approach. The polygraph can be a useful tool but should be applied under strict regulation and used in conjunction with other assessment methods.

Prospects for polygraph use in Uzbekistan

Uzbekistan’s judicial system has undergone significant reforms, strengthening the rule of law. However, a key objective remains: increasing public trust in judges and ensuring complete transparency. Introducing the polygraph could be a significant step in this direction. For successful implementation, it is necessary to:

Develop a legal framework regulating polygraph use,

including the rights and obligations of all parties involved;

Train qualified polygraph examiners to conduct tests in line with international standards;

Inform the public about the purposes and methods of polygraph testing to reduce skepticism and avoid speculation;

Incorporate best practices from countries such as Kazakhstan and Ukraine, while taking into account national specifics.

CONCLUSION

The use of polygraphs in judicial candidate selection represents an innovative and promising instrument for building public trust and enhancing transparency in judicial appointments. However, implementation requires comprehensive legal analysis and adherence to the principles of lawfulness, objectivity, and ethics.

In the context of Uzbekistan's legal reforms and modernization, the polygraph may serve as an additional tool for reinforcing trust and transparency in the judicial selection process. It helps identify hidden risks and encourages openness, ensuring an objective assessment of candidates' moral and professional qualities.

Nevertheless, polygraph testing must be used strictly within the boundaries of the law and serve as a supplement—not a substitute—for traditional evaluation methods. The core principle must be to balance the interests of the state, society, and individual rights.

Thus, the successful integration of the polygraph into the judicial selection process requires a clear legal foundation, trained professionals, and broad public discourse. Only under these conditions can the polygraph become an effective tool for ensuring high standards of professionalism and integrity in Uzbekistan's judiciary.

REFERENCES

Закон Республики Казахстан от 4 декабря 2015 года № 436-V ЗРК.

Конституционный Закон Кыргызской Республики «О статусе судей Кыргызской Республики» <http://surl.li/tvlbkh>

David Goldberg «The Ins and Outs of Pre-Employment Polygraph Testing» <http://surl.li/htnjaa>

Аблаева Э.Б. Порядок отбора и условия вступления в должность судей в Республике Казахстан <http://surl.li/qtpstf>