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ANALYSIS OF THE LEGAL AND ETHICAL CHALLENGES OF THE APPLICATION OF ARTIFICIAL INTELLIGENCE IN THE EMPLOYMENT SELECTION PROCESS

Matthew Izuchukwu Anushiem, PhD
Department of Clinical Legal Education,
Faculty of Law, Nnamdi Azikiwe University, Awka.
Phone/Email: 08032641757, mi.anushiem@unizik.edu.ng

ABSTRACT

The rapid advancement of artificial intelligence (AI) technologies has significantly transformed the employment selection process, presenting a complex interplay of legal and ethical challenges. This analysis critically examines the implications of AI in recruitment, focusing on issues such as potential job displacement, exacerbation of socioeconomic inequalities, and the erosion of creativity in candidate selection. Furthermore, the concerns surrounding data privacy and security, alongside the prohibitive costs associated with deploying AI tools, are explored. The adaptation challenges faced by both organizations and candidates in navigating this evolving landscape are also addressed, particularly in relation to the digital divide that may further entrench disparities within society. This study emphasizes the necessity for robust legal frameworks and ethical guidelines to mitigate the identified challenges while promoting the beneficial aspects of AI technologies. Developing comprehensive strategies will be crucial to harnessing the operational efficiencies offered by AI, ensuring fair and equitable employment practices that foster inclusivity and innovation.

Keywords: AI, Legal and Ethical Challenges, Application of Artificial Intelligence, Employment Selection Process and Organization.

Introduction

The advent of Artificial intelligence has revolutionized all facts of human endevours including employment processes. It has transformed the ways and manners in which hiring and all its processes are conducted in recent times. According to Sholikhah et al., (2025). the integration of into recruitment and selection processes has significantly transformed traditional hiring paradigms. They noted that AI offers enhanced efficiency and predictive capabilities in the selection process. While is generally acknowledged that AI offers technological advancement, there are complex array of challenges including algorithmic bias, data privacy, legal and ethical issues, (Hunkenschroer & Luetge, 2022), and the transparent operation of AI systems, all of which are crucial for maintaining fairness, equity in employment selection the need for careful examination (Du, 2024; Sholikhah et al; 2025). Therefore, it becomes important that these concerns are examined considering the fact that ethical use of AI in recruitment process directly and indirectly impacts the recruitment process, the organization, and even the candidates or applicants. This paper analyzed the ethical and legal challenges in applying AI in recruitment process while drawing upon existing literature and theoretical frameworks, as well as proposed strategies for overcoming the challenges associated

with AI integration in employment selection process.

Conceptual Framework:

Artificial Intelligence

AI is a computational system that performs tasks conventionally associated with human cognition prediction, classification, pattern recognition, optimization, and decision-making often through statistical machine-learning models trained on large datasets. In workplaces, AI takes visible forms (robots, automated production lines) and less visible forms (recruitment algorithms, performance-monitoring systems, algorithmic scheduling, and recommendation engines). It refers to the simulation of human intelligence in machines that are programmed to think like humans and mimic their actions which encompasses a broad spectrum of technologies, from machine learning algorithms that identify patterns in large datasets to natural language processing for understanding human communication. Sholikhah et al., (2025) noted AI can automate and optimize cognitive tasks in human resources, streamline candidate screening, which helps to improve predictions for job fits, and potentially eliminate human biases, while enhancing efficiency and effectiveness.

Employment Selection Process

This refers to a systematic approach of selecting and hiring suitable candidates for a varying positions or jobs in an organization. It often begins with advertising job vacancies, inviting applications from qualified candidates. It commences with initial screening and reviewing applications to shortlisting of individuals who meet the basic qualifications. It involves different stages. After application submissions are concluded, screening and selecting of first layer qualified candidates for interviews, with tests at different background checks, before the eventual recruiting of qualified candidates into the company or organization (Anushiem & Anushiem 2023). Additionally, the process recruitment is basically used to ascertain the intellectual, competence, social and emotional fits of individuals to be boarded into an organizational activities and operations.

Application of AI in Employment Selection Process: The Gains

Traditionally, employment selection involves manual reviews of resumes, often leading to inefficiencies and human biases in evaluating candidates. However, with the introduction AI-based recruitment strategies, there is automation of screening resume, enabling organizations to leverage machine learning in analyzing large numbers of applications in a more efficient manner. It is also deployed in identifying candidates whose qualifications and skills align with job requirements, which significantly help to reduce the time and effort that would have used in manually filtering candidates (Albassam, 2023). AI integration in recruitment process is significantly reshaping the traditional approach, both in the opportunities it offers through enhanced objectivity, efficiency, productivity, and the challenges particularly the ethical and legal aspects. As much as it offers great advantages, it also has inherent issues. This is supported by Albassam, (2023) and Hosain et al., (2025), that the integration of AI into employment selection processes presents numerous advantages, ranging from efficiency in resume screening, precision in matching candidate, the reduction in biases, among others which are particularly evident in the acceleration of initial screening phases,

while offering personalized engagement with the candidates' engagement. Rukadikar et al, (2025) asserted that AI-powered tools can swiftly analyze vast quantities of applications, identifying suitable candidates based on predefined criteria and significantly reducing hiring time. Further, Sholikhah et al., (2025) opined that AI enhances the accuracy of the assessment of candidate by its predictive analytics which is used to forecast job performance and retention rates, as well as optimizing long-term organizational outcomes.

Significantly, AI-based recruitment strategies can also lead to cost reductions by automating early-stage tasks and increasing the overall efficiency of the hiring process. Further, they can be used be used to improve the quality and quantity of the available pool of talent by rapidly scanning multiple databases for candidates and ascertaining recruiters for more critical tasks (Dima et al, 2024; Albassam, 2023; Mwita & Kitole, 2025). This capacity which mimics human cognitive functions ensures that effective recruiting outcomes, particularly are tailored to specific tasks, which makes it a valuable asset in personnel selection (Rathore, 2023). This implies that AI has the capacity to optimize recruitment process efficiently.

In addition, it must be stated that when clear objectives are established, AI can facilitate unbiased decision-making by analyzing data impartially, which helps to reduce human biases that often characterizes traditional recruitment practices (Oman et al., 2024). Suffice to say that advancements in AI have led to improved candidate experiences through timely updates on progression and personalized interactions. More so, AI appeals to organizational leaders, as a means of achieving efficiencies which translate into substantial organizational benefits such as freeing up time for human resource, enhancing candidate experience, and improving quality of hires (Hewage, 2023). What is significant is the fact that AI automation can reduce the average time it takes to fill vacate positions as well as enhancing the overall quality of the outcome of recruitment process (Ouakili, 2025; Nyathani, 2022). The scholars noted that AI systems can rapidly analyze multiple resumes, and evaluate them against predetermined criteria such as skills, experience, and educational background.

Notably, the application of AI in employment process helps to reduce the administrative burden of the human resources personnel of assessing application processes. It streamlines communication between the organization and the candidates through automation, automated emails chatbots among other which ensure prompt responses to frequently asked questions and enhance the experiences of the candidate throughout the recruitment process (s well as ensures a more consistent and objective initial assessment of applicants (Sasi, 2024; Abdelhay, et al., 2025). Importantly, the ability of AI to operate continuously ensures that recruitment processes remain active and uninterrupted. This helps to expedite the progression and engagement with the candidates. Dima et al., (2024) stated that when AI is incorporated allotted certain administrative tasks, it allows human resources professionals to dedicate more time to strategic initiatives, rather than being bogged down by repetitive administrative tasks. In the aspect of cost, Sykorova et al., (2024) noted that the capacity of AI to enhance operations do not

only lower recruitment expenses but also allows organizations to allocate resources towards essential human capital growth. Nevertheless, the integration of AI into recruitment and selection processes, although providing significant advantages, poses considerable ethical and legal challenges.

Legal Issues and AI Use in Employment Selection Processes

The rapid rate in which AI technologies are applied in recruitment necessitates the need for careful evaluation of possible legal consequences, to avoid bias in algorithm and infringement of data privacy. It is commonly believed that AI algorithms is capable of exacerbating the existing human biases as regards to historical data which is capable to resulting in biased hiring outcomes. More so, Dadaboyev et al., (2025) asserted that the absence of transparency particularly regarding the decision-making aspects of AI, could jeopardize a reputation of any company if its procedural processes fail to meet high ethical and legal standards. In addition, Hewage, (2023) and Sýkorová et al., (2024) concurred that among the challenges of AI, the risk of reinforcing bias through inaccurate datasets, and the lack of clarity in algorithmic decision processes, amount to substantial expenses is associated in developing and implementing AI, however, there is need to ensure fairness and compliance

Furthermore, scholars are concerned with the increasing storage of personal information by AI systems which often occurs without clear, and consent infringes upon individual privacy rights, and tents to diminishes trust in how organizations manage data. This situation raises serious ethical questions, particularly about individuals' rights to control their personal data and the potential misuse or exposure of sensitive information by AI algorithms, highlighting the necessity for organizations to establish thorough data governance frameworks that emphasize transparency, accountability, and user consent to alleviate privacy risks (Gupta & Mishra, 2022).

The biases associated with AI not only compromises the principles of equal opportunity but also places organizations at considerable risk of legal consequences. According to Sholikhah et al., (2025) and Chang, (2024), positioned that the "black box" nature of many AI systems intensifies the problem of bias which makes it challenging to determine how varying hiring choices are made; and those efforts to identify and address the biases are often complicated. Additionally, in the position of Horodyski, (2023), the lack of clarity surrounding AI algorithms makes it difficult for both candidates and HR professionals to understand the rationale behind hiring decisions, and emphasized the need to undermine trust and accountability throughout the recruitment process. In affirmation, Hosain et al., (2025), posited that the use of AI in recruitment carries its share of controversy due to the risk of algorithmic bias, particularly when algorithms are developed using skewed data, which presents a significant obstacle to fair hiring practices. Such biases can result in unjust hiring practices and workplace discrimination, highlighting the need for diverse and representative datasets along with strong mitigation strategies. These biases can emerge in various ways, such as favoring particular demographic groups in rankings or biased evaluations of candidate qualifications, which require meticulous algorithm design and ongoing monitoring (Mujtaba & Mahapatra, 2024).

Typically,Sýkorová et al., (2024) found that the use of historical employment data in Amazon's recruitment algorithms led to discrimination against female candidates, which ultimately caused the discontinuation of the system due to persistent, and irreparable biases. This underscores the crucial need to tackle algorithmic bias, that often arise from inadequate or unrepresentative datasets, which can lead to discriminatory hiring practice such as gender, race, and personality traits (Chen, 2023).

Ethical Challenges and AI Application in Employment Selection Process

The ethical considerations surrounding AI in recruitment extend beyond merely adherence to legal requirements, which encompasses fairness, transparency, and accountability, and influence both organizational trust and how candidates perceive the process. (Sholikhah et al., (2025) pointed a key ethical issue which pertains to algorithmic bias, as AI systems trained on historical data can unintentionally mirror and exacerbate existing societal biases, resulting in discriminatory practices during candidate selection (Hunkenschroer & Kriebitz, 2022). The scholars further noted that the situation perpetuates unjust hiring practices by potentially sidelining qualified candidates from underrepresented demographics, thus raising critical concerns about equity and social justice within the recruitment landscape. Additionally, Hewage, (2023) revealed that prompts examination of the ethical consequences of "dehumanization" in the hiring process is essential as research suggests that candidates favor hiring decisions made by humans rather than AI (Sýkorová et al., 2024). This preference highlights a significant ethical challenge. To tackle these ethical issues, deliberate strategies must be employed, including proactive approaches to safeguard data privacy and fairness (Albassam, 2023), as well as the creation of AI models that are both transparent and understandable.

Economic and Societal Implications of AI application in Employment process

Improved operational efficiency:

A major economic consequence is the decrease in human administrative duties which enables human resource professionals to be involved in other routine responsibilities. This corroborating Naveen, (2024), that the reduction in human administrative tasks, allows HR professionals to focus on more strategic initiatives rather than routine screenings. This transition allows for a more refined distribution of human resources within HR departments, channeling energies toward intricate problem-solving, talent enhancement, and strategies for employee engagement (Du, 2024; Sýkorová et al., 2024). Furthermore, automating administrative responsibilities through AI results in enhanced operational efficiency and cost reductions for organizations, which can subsequently be redirected into other business areas or development of human capital. However, these economic advantages must be carefully balanced with the necessity for ethical AI usage, which requires transparency, accountability, and ongoing oversight to avert biases and protect the rights of candidates ((Sholikhah et al., 2025; Gupta & Mishra, 2022).

Job Displacement and Inequality:

The application of artificial intelligence in hiring practices carries significant economic and social consequences, as it influences labor markets, job losses, and the

changing nature of employment. While AI offers the potential for enhanced productivity and reduced costs for businesses, it also introduces challenges like the risk of job losses in positions vulnerable to automation and the exacerbation of pre-existing socioeconomic disparities (Sholikhah et al., 2025). In particular, the transition to AI-based recruitment methods may disproportionately impact certain groups, potentially widening the divide between individuals with sought-after AI-compatible skills and those employed in roles that are automated. This change calls for immediate reskilling programs and strong social safety measures to lessen the negative effects on the workforce (Hosain et al., 2025). Moreover, the ethical dilemmas surrounding AI-driven hiring practices, especially in relation to data ethics and informed consent, need to be addressed to avoid damaging organizational reputations while protecting individual rights (Albassam, 2023).

According to UNESCO, women constitute merely 22% of the global AI workforce, a gap that contributes to the ongoing existence of gender bias within AI technologies. It was reported that the choice of default female identities for virtual assistants such as Siri, Alexa, and Cortana is intentional. It added that the design mirrors and perpetuates societal gender stereotypes, indicating that AI could unintentionally reinforce existing biases. It further noted that the lack of female representation in AI development often results in algorithms being trained on biased datasets that represent male-centric viewpoints, amplifies gender biases within AI tools. It concluded that the situation could result in systematic discrimination, as AI systems may disadvantage women during recruitment by filtering out resumes featuring terms associated with female-dominated positions or by favoring male applicants based on historical hiring trends. Such implicit biases, even when unintentional, can be seen in AI-driven advertising, where male candidates are frequently targeted with job adverts more than female candidates, underscoring an unconscious gender bias rooted in click-through rates and prior data (Gupta & Mishra, 2022).

Fear of Dependency

One major issue is the risk of becoming overly reliant on AI systems. Over-reliance on AI systems is capable of reducing human oversight and critical thinking in recruitment processes, which could give rise to creating an environment where decision-making will become challenging to audit or contest (Chang, 2024). The scholar observed that reliance can result in diminished human responsibility and a lack of ability to correct course when algorithmic biases or mistakes arise. Such dependence can also create a misleading perception of objectivity, as AI-generated suggestions might be accepted without adequate examination, thereby reinforcing rather than eliminating systemic biases.

Furthermore, Sykorova et al., (2025) submitted that the limited practical experience with AI-powered recruitment among professionals makes it more difficult to recognize and address these inherent biases, obstructing the broader ethical adoption of AI in routine business operations.

Decreased Creativity in Selection Process:

Though there is standardization process in applying AI in recruitment process.

However, Sholikhah, (2025) noted that AI-driven hiring processes may inadvertently suppress creativity and innovation by focusing on candidates who align with established profiles, thus restricting organizational diversity and flexibility. This uniformity in candidate selection tends to threatens and undermine the very innovation that organizations typically pursue.; and added that AI systems might miss unconventional yet highly capable applicants.

In their submission, Sykorova et al., (2025) noted that the focus on measurable metrics by AI tools might overlook essential soft skills and emotional intelligence, which are often critical for complex positions but difficult for algorithms to evaluate accurately, and added that this constraint frequently leads to a limited view of candidate fitness, potentially excluding individuals whose strengths exist in less easily quantifiable areas.

Privacy Data Insecurity:
The widespread application of AI in hiring processes brings up issues related to privacy and data security. This is because the AI technologies frequently gather and analyze large volumes of sensitive personal data, making them susceptible to cyber threats and potential misuse (Sýkorová et al., 2024). The gathering and storage of such extensive personal information also present significant risks involving data breaches and unauthorized access, necessitating strong cybersecurity protocols and strict compliance with data protection laws (Harchandani, 2025). Additionally, the application of AI tools is not only problematic but also costly, challenging organizations to create and apply these systems without considerable financial resources (Gupta & Mishra, 2022). Furthermore, implementing AI-powered recruitment platforms often requires ongoing maintenance and updates, contributing to the overall financial burden and complexity faced by organizations (Albassam, 2023). These issues highlight the necessity for thorough consideration of ethical standards, data governance structures, and economic impact evaluations to ensure that the integration of AI in recruitment processes positively influences both organizational objectives and societal well-being.

According to Hiemstra et al., (2019), the perceived equity of recruitment procedures is affected by the degree to which digital technologies are incorporated throughout each phase of the application process. During the application and screening stages, candidates can revise or enhance their personal details via technology-driven selection tools, offering more adaptability compared to traditional methods like printed applications that cannot be modified after submission. Currently, the application process requires applicants to provide links to their social media accounts, which provide more insights into their personality and behavior through their posts and interactions—details not commonly reflected in standard resumes. Likewise, digital formats such as video applications and online resumes facilitate more comprehensive representations through visual and auditory elements; and as a result, the opacity in how AI algorithms arrive at decisions can further diminish trust among candidates, fostering perceptions of unfairness and lowering the appeal of the organization'(Dima, et al., 2024; Hosain & Mustafi, 2023).

High Cost of AI Tools

According to Van Esch, Black, and Ferolie (2019), the significant expense associated with developing AI recruitment systems serves as a key obstacle to their applicability. The scholars observed that for companies that do not hire a large number of employees each year, it might be more cost-effective to purchase AI tools from third-party vendors rather than investing in their own development. The scholars also highlights ethical issues related to privacy, stressing that both employers and AI systems should avoid gathering personal information unless it is pertinent to the job, as inappropriate data collection can lead to discriminatory behavior; and concluded that the success of AI-driven recruitment efforts could be greatly hindered if new regulations restrict access to data from social media or professional networks, or if individuals choose to limit their personal online information.

Adaption Challenge

The perception concerning the use of AI varies differently. While some hold positive views, other holds negative views. The viewpoint can complicate the application of AI tools, as doubts about fairness can influence the willingness to interact with AI systems (Hosain & Liu, 2020). Further, researches indicates that numerous applicants find it difficult to see the benefits of providing additional materials during the initial phases of recruitment. They often worry about the fairness of technology-driven hiring processes. Ingold and Langer (2021) discovered that resumes sourced from social media are viewed as less equitable compared to traditional resumes. This position is supported by Stoughton et al. (2015), who claimed that examining candidates' social networks undermines their perception of fairness in recruitment. This concern is intensified by the ability of AI algorithms to create detailed insights from private information obtained through social media, which amplifies fears regarding intrusive monitoring and fair assessment during hiring (Reddy, 2022; Hosain et al., 2025). it has been noted that the widespread skepticism about the neutrality and privacy concerns associated with AI-enhanced recruitment techniques poses a significant barrier to the broader acceptance and application of AI in organizational hiring practices (Sholikhah et al., 2025; Gupta & Mishra, 2022).

Digital Divide

The unequal access to technology and digital skills among various demographic groups worsens disparities. Inequality in digital access can potentially leave out competent candidates who may not have the means and skill to utilize AI-driven application systems. This disparity can cause limited access for certain groups and introducing biases, as AI models trained on data predominantly from digitally advantaged populations may unintentionally disadvantage applicants from underrepresented communities (Singh & Mishra, 2024). Additionally, the risk of AI algorithms inheriting and exacerbating existing societal biases from training data for AI can result in discriminatory outcomes, thereby perpetuating systemic disadvantages within the hiring process. This tends to compromising the ideals of social justice as well as diminishing the overall economic efficiency by narrowing the talent pool and obstructing the production of goods and services (Chen, 2023; Reddy, 2022), affecting full application of AI in employment process.

Overcoming the Challenges

Addressing the complex challenges associated with AI in recruitment requires a comprehensive strategy that combines technical solutions with strong ethical standards and regulatory frameworks (Singh & Mishra, 2024). This entails creating explicit protocols for data collection and usage, ensuring AI decision-making is understandable, and implementing systems for human oversight to evaluate and, if needed, reverse automated outcomes (Sýkorová et al., 2024; Chang, 2024). Additionally, thorough training for HR professionals is vital to provide them with the skills to effectively handle AI tools, understand algorithmic results, and respond to candidate inquiries, while regularly auditing AI systems for bias and accuracy is imperative to uphold fairness and prevent discriminatory practices during the recruitment process. Furthermore, fostering interdisciplinary research that connects AI development with the social sciences can shed light on potential biases and ethical challenges, promoting the development of more just and transparent AI recruitment systems (Albassam, 2023; Sholikhah et al., 2025). These approaches include using diverse training datasets, enforcing strict data protection protocols, and ensuring AI systems are transparent and understandable to reduce possible negative impacts on humans while maintaining the depth of analysis generally offered by human reviewers (Dima et al., 2024; Du, 2024).

Ultimately, encouraging collaboration among AI developers, HR specialists, and legal professionals is essential for creating best practices and adapting regulatory standards to the swift evolution of AI technology (FedCSIS, 2024). Such cooperative efforts are crucial for navigating the intricate terrain of AI in recruitment, making sure that technological advancements are in harmony with ethical values and the welfare of society.

Conclusion

In conclusion, the application of AI in the employment selection process presents a mixed array of benefits and challenges. While organizations can achieve improved operational efficiency and enhanced candidate evaluation accuracy, they must also navigate complex legal, ethical, and economic implications. Issues such as job displacement, inequality, and privacy concerns pose significant risks that require careful consideration. Furthermore, reliance on AI tools may inadvertently stifle creativity in candidate selection and foster an environment of dependency. Thus, it is crucial for organizations to strike a balance between leveraging AI advancements and upholding ethical hiring practices, ensuring a comprehensive approach that values human judgment and diverse perspectives in the recruitment process.

Recommendations

The application of AI in the hiring process necessitates continuous critical evaluation and enhancement to ensure it aligns with the principles of fairness, transparency, and accountability. This involves a commitment to ongoing assessments, the development of understandable AI models, and the active involvement of HR professionals in overseeing and validating the results produced by AI. By implementing this proactive approach, organizations can leverage the groundbreaking potential of AI while mitigating its related risks, thereby fostering a more equitable and effective recruitment atmosphere, this comprehensive strategy not only addresses

current challenges but also paves the way for future developments in AI-enhanced recruitment, aiming to balance technological innovation with human-centered principles.

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