

The issue of legitimacy and sovereignty represents an increasingly important topic in scientific and political debates in the context of the ongoing multinational integration. There are essentially two basic theoretical approaches: the acceptance of the concept of legitimacy and sovereignty in the sense of derivability of all public authorities and the positive law from one abstract symbolic centre (its premise is differentiation, although not separation of state and society) or its refusal in the favour of plurality of power and "multi-level" system of political order which depends on this very pluralism. Although the proponents of pluralism try to posit the middle position between integration advocates and statist approach, their theory is in fact an extreme position, one which stands in clear contrast to traditional concepts of political theory, which counted on a particular fixed point in the standards and policies, and one which constitutes a basis for challenging the modern democratic constitutional system.

In this work it is considered that the basic concepts of political theory, based on a certain constitutional order, themselves form and constitute the political and legal system. In this sense the constitution itself can be regarded as an attempt of enforceable constituting of political and social reality. This indeed implies that the basic concepts on which the constitution is based cannot be "reinterpreted" whatever context the constitution constituted. Otherwise it means the creation of new concepts which, however, often do not have anything in common with formally identical expressions used in the written constitution. From the perspective of the constitution is such a "reinterpretation" unacceptable. Constitutional courts are only permitted such an interpretation which holds the constitutional context and does not exceed it. This applies both to the concept of sovereignty and the terms associated with it, such as the people, the common good or public interest (interest of all the people). The idea of sovereignty cannot be dismissed in currently effective constitutional order of a "national" state because itself - in a rational way – forms or "imagines" political reality on which this order is based. Its refusal or "redefinition" in a pluralistic sense can therefore only be carried outside of this order and system as an act of revolutionary breach but also an act of resignation to the pursuit of logical-rational forming of political reality.