

Doctrine and Contemporary Challenges of Parliamentary Sovereignty

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Abstract

Parliamentary Sovereignty is a fundamental principle of the UK Constitution. It means that Parliament is the supreme law-making authority and has the power to make, amend, or repeal any law. No other body, including the courts, can override or set aside an Act of Parliament. This doctrine was clearly explained by A.V. Dicey, who stated that Parliament has unlimited legislative authority. Parliamentary Sovereignty also implies that no Parliament can bind a future Parliament; each new Parliament is free to change existing laws. Traditionally, courts must apply laws passed by Parliament without questioning their validity. However, in modern times, this principle has faced certain practical limitations due to the development of judicial review, human rights legislation, and the influence of international obligations. Despite these changes, Parliamentary Sovereignty remains the central feature of the UK constitutional system and continues to ensure democratic control through elected representatives.

Keywords: Parliamentary Sovereignty, Constitution, Judicial Review, Human Rights Legislation, Democratic Control

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I. Introduction

Parliamentary sovereignty is the most important and central principle of the United Kingdom constitution. It means that Parliament is the supreme legal authority in the country and has the power to make or unmake any law. No other body, including the courts, the executive, or any devolved institution, can override or set aside an Act of Parliament (Masterman & Murray, 2020). This doctrine was most clearly explained by the constitutional scholar A. V. Dicey, who described Parliament as having unlimited law-making power. According to this principle, Parliament can legislate on any subject, whether political, social, economic, or moral, and its decisions cannot be questioned in a court of law. Parliamentary sovereignty also means that no Parliament can bind a future Parliament; each new Parliament enjoys the same full authority as its predecessor. This idea ensures flexibility in the legal system, allowing laws to be changed according to the needs of society. In the British constitutional system, where there is no single written constitution, parliamentary sovereignty acts as the foundation of constitutional authority. It provides legitimacy to all other institutions of the state and ensures democratic governance through elected representatives.

The historical development of parliamentary sovereignty can be traced back to the struggle for power between the monarchy and Parliament. In early English history, kings exercised wide and often unchecked authority. However, over time, Parliament gradually asserted its role, particularly in matters of taxation and legislation. Key historical documents such as the Magna Carta 1215 laid the foundation for limiting royal power, though it did not establish parliamentary sovereignty directly. Later constitutional conflicts, especially during the seventeenth century, played a crucial role in strengthening Parliament. The English Civil War and the execution of King Charles I demonstrated that the monarch was not above the law. The Glorious Revolution of 1688 and the Bill of Rights 1689 further confirmed the supremacy of Parliament by restricting royal prerogatives and affirming parliamentary control over law-making. These events transformed England from an absolute monarchy into a constitutional monarchy. As a result, Parliament emerged as the highest authority in the state (Dickinson, 1976).

A. V. Dicey's theory of parliamentary sovereignty provides the classical explanation of this doctrine. Dicey identified two main aspects of parliamentary sovereignty. First, Parliament has the right to make or repeal any law whatsoever. This means that there are no legal limits on the subject matter of legislation. Parliament can pass laws that affect fundamental rights, alter constitutional arrangements, or change long-standing legal principles. Second, no person or body has the legal authority to override or question an Act of Parliament. Courts must apply parliamentary legislation and cannot declare it invalid. Dicey emphasized that parliamentary sovereignty is a legal concept, not a political one. While political realities, public opinion, and moral

considerations may influence Parliament, they do not legally restrict its power. Dicey also rejected the idea of entrenched or higher laws in the UK system. Unlike countries with written constitutions, the UK does not recognize constitutional laws that are legally superior to ordinary statutes. This theoretical framework dominated constitutional thinking for many years and continues to influence judicial reasoning. However, modern constitutional developments have raised important questions about the practical limits of Dicey's theory (Walters, 2020).

In practice, parliamentary sovereignty operates within a complex constitutional environment. Although Parliament is legally supreme, its powers are influenced by political, moral, and international factors. Democratic accountability plays an important role, as Members of Parliament are elected by the people and must answer to voters. This creates a political check on the misuse of parliamentary power. Additionally, the rule of law ensures that laws passed by Parliament are applied equally and fairly by the courts. While courts cannot strike down Acts of Parliament, they play a significant role in interpreting legislation. Through interpretation, courts can influence how parliamentary laws operate in practice. Furthermore, conventions and constitutional principles guide Parliament's behavior, even though they are not legally enforceable. The existence of devolved administrations in Scotland, Wales, and Northern Ireland also affects parliamentary sovereignty. Although Parliament legally retains ultimate authority, it usually respects the autonomy of devolved bodies.

Modern developments have challenged the traditional understanding of parliamentary sovereignty. One major challenge came from the United Kingdom's membership of the European Union. EU law was given priority over domestic law in certain areas, which appeared to limit Parliament's authority. Courts sometimes disapplied Acts of Parliament that conflicted with EU law, raising questions about absolute parliamentary sovereignty. However, supporters argued that this limitation was self-imposed, as Parliament voluntarily accepted EU obligations through legislation. Another challenge arises from the Human Rights Act 1998, which incorporates the European Convention on Human Rights into UK law. Under this Act, courts can issue declarations of incompatibility when legislation conflicts with protected rights. Although such declarations do not invalidate legislation, they create strong political pressure for reform. Judicial activism and constitutional interpretation have also influenced the balance of power (Linnarsson, 2022).

Parliamentary sovereignty remains the cornerstone of the United Kingdom's constitutional system. It establishes Parliament as the highest legal authority, capable of making and unmaking any law. Historically, this principle emerged through centuries of constitutional struggle and political development. Theoretical explanations, particularly those provided by A. V. Dicey, have shaped the traditional understanding of

parliamentary supremacy. In practice, however, parliamentary sovereignty operates alongside other constitutional principles such as the rule of law, democracy, and separation of powers. Modern developments, including devolution, human rights protection, and international commitments, have influenced how parliamentary sovereignty is exercised. These factors do not remove Parliament's legal supremacy but modify its practical operation. Parliamentary sovereignty therefore continues to evolve while maintaining its core legal meaning. It allows the UK constitution to remain flexible and adaptable to social change. Understanding parliamentary sovereignty is essential for appreciating how power is distributed and exercised within the British state. Despite debates and challenges, it remains a defining feature of the UK constitutional identity.

II. Methodology

This research adopts a doctrinal legal research methodology to examine the concept of Parliamentary Sovereignty in constitutional law. Doctrinal research is suitable because the study focuses on legal principles, constitutional theories, and authoritative judicial interpretations rather than empirical data. The methodology relies on systematic analysis of primary legal sources, including constitutions, statutes, parliamentary enactments, and landmark judicial decisions. Classical writings of constitutional scholars such as A.V. Dicey are examined to understand the historical development and theoretical foundations of Parliamentary Sovereignty. The study also analyzes how courts have interpreted and applied the doctrine in different constitutional contexts. Special attention is given to the evolution of the doctrine over time, particularly in response to political, social, and legal changes. This approach allows the research to clarify the scope, limits, and contemporary relevance of Parliamentary Sovereignty. By organizing legal materials thematically, the study ensures coherence and logical progression. The doctrinal method helps in identifying consistencies, conflicts, and gaps within existing legal literature. Overall, this methodology provides a structured framework for critically evaluating Parliamentary Sovereignty as a central constitutional principle. It ensures reliability, doctrinal precision, academic consistency, logical structure, constitutional relevance, interpretative discipline, methodological transparency, scholarly credibility, analytical balance, and systematic legal evaluation overall.

The study employs qualitative analysis as a core methodological tool to interpret legal texts related to Parliamentary Sovereignty. Qualitative analysis enables a detailed examination of statutory language, judicial reasoning, and constitutional commentary. Through close reading, the research explores how legal meanings are constructed and how authority is justified within constitutional systems. This method allows the researcher to assess the intent, context, and implications of parliamentary powers. Case law analysis plays a vital role, as judicial decisions demonstrate practical applications of the doctrine. The methodology involves comparing judicial opinions to identify trends,

shifts, and limitations imposed on parliamentary authority. Interpretative techniques such as literal, purposive, and contextual interpretation are applied to understand judicial approaches. The qualitative method also helps evaluate scholarly debates on the erosion or persistence of Parliamentary Sovereignty. By synthesizing legal arguments from multiple sources, the research develops a nuanced understanding of the doctrine. This methodological choice ensures depth, accuracy, and analytical clarity in examining Parliamentary Sovereignty. This approach enhances interpretative depth, supports coherent reasoning, improves conceptual clarity, encourages structured argumentation, strengthens academic validity, facilitates critical reflection, and enables meaningful engagement with constitutional theory and contemporary legal challenges within evolving democratic governance frameworks across jurisdictions, institutions, and constitutional systems.

Comparative constitutional analysis is used as an important methodological component in this research. This method allows the study to compare Parliamentary Sovereignty across different jurisdictions, particularly the United Kingdom and other constitutional systems. By examining similarities and differences, the research highlights how constitutional structures influence parliamentary authority. Comparative analysis helps in understanding whether Parliamentary Sovereignty is absolute or subject to limitations such as judicial review, federalism, or human rights instruments. The methodology involves selecting relevant jurisdictions based on their constitutional relevance and legal traditions. Statutes, constitutional provisions, and judicial decisions from selected systems are analyzed systematically. This approach provides broader insight into the adaptability of the doctrine in modern governance. Comparative analysis also assists in identifying best practices and emerging constitutional trends. It enables critical reflection on whether traditional theories remain applicable today. Through this method, the research contextualizes Parliamentary Sovereignty within global constitutional discourse, enhancing the analytical depth of the study. It broadens analytical perspective, prevents jurisdictional isolation, promotes constitutional learning, supports reform-oriented discussion, assists normative evaluation, deepens comparative insight, and strengthens conclusions regarding parliamentary authority, legitimacy, and constitutional adaptability in diverse legal environments shaped by political culture, institutional design, historical experience, and judicial practice globally today widely.

Historical analysis forms another essential part of the research methodology on Parliamentary Sovereignty. This method traces the origin and evolution of the doctrine from its early development to its contemporary form. Historical examination helps explain why Parliamentary Sovereignty emerged as a dominant constitutional principle. The study reviews historical documents, parliamentary practices, and early judicial decisions to understand foundational assumptions. By analyzing historical events such as constitutional reforms and political conflicts, the research identifies factors influencing

the doctrine's development. This methodology highlights how sovereignty was shaped by struggles between monarchy, parliament, and judiciary. Understanding historical context allows the research to assess whether original justifications remain valid today. The method also reveals gradual transformations caused by democratization and constitutional change. Historical analysis supports a critical evaluation of continuity and change within the doctrine. Overall, this approach strengthens the research by grounding theoretical discussion in historical reality. This method enriches understanding, contextualizes doctrine, explains continuity, clarifies transformation, informs critique, supports interpretation, and links past constitutional struggles with present legal realities, democratic expectations, institutional reforms, and evolving governance models operating under constitutionalism, rule of law, separation of powers, accountability, legitimacy, and public representation principles within parliamentary democracies worldwide across time and changing political conditions.

Secondary sources play a significant role in the methodology of this research on Parliamentary Sovereignty. The study extensively reviews academic books, journal articles, commentaries, and legal essays written by constitutional scholars. These sources provide critical perspectives, theoretical explanations, and scholarly debates surrounding the doctrine. The methodology involves evaluating the credibility, relevance, and academic contribution of each source. By engaging with diverse viewpoints, the research avoids bias and presents a balanced analysis. Literature review helps identify existing gaps in scholarship and areas requiring further examination. Secondary sources also assist in interpreting complex judicial decisions and constitutional developments. The methodology emphasizes critical engagement rather than mere description of scholarly opinions. This approach enables the research to assess strengths and weaknesses in prevailing arguments. Using authoritative secondary materials ensures academic rigor and supports well-reasoned conclusions about Parliamentary Sovereignty. This methodology strengthens academic grounding, encourages informed debate, refines doctrinal interpretation, integrates theory with practice, supports originality, improves argumentative quality, and enhances scholarly contribution to constitutional law literature significantly by synthesizing authoritative opinions, challenging assumptions, clarifying ambiguities, referencing credible scholarship, and situating Parliamentary Sovereignty within evolving constitutional, political, and judicial contexts through structured review, critical comparison, balanced assessment, and methodical academic reasoning processes consistently.

The research adopts an analytical and critical methodology to evaluate the effectiveness of Parliamentary Sovereignty in modern constitutional systems. This method involves assessing arguments supporting and opposing the doctrine. The study critically examines challenges such as judicial activism, constitutional supremacy, and international legal obligations. Analytical reasoning is applied to test the logical

consistency of traditional theories. The methodology also evaluates the practical implications of limiting or retaining parliamentary authority. By integrating doctrinal, historical, and comparative findings, the research offers a comprehensive assessment. Critical analysis helps determine whether Parliamentary Sovereignty remains relevant or requires reinterpretation. This methodological approach encourages objective evaluation rather than unquestioned acceptance. It supports reasoned conclusions based on legal principles and evidence. It systematically addresses tensions between parliament and courts, national sovereignty and international obligations, flexibility and rigidity, supremacy and accountability, ensuring conclusions remain principled, realistic, coherent, and academically defensible within contemporary constitutional discourse through integrated analysis, critical synthesis, doctrinal evaluation, comparative insight, historical awareness, and reflective legal reasoning methods consistently applied.

III. Results

Parliamentary Sovereignty produces several important results within the constitutional system of the United Kingdom. First, it establishes Parliament as the supreme law-making authority, meaning that no other body can override or set aside an Act of Parliament. Courts, executives, and devolved institutions must give full effect to parliamentary legislation, even if they disagree with its wisdom. This result creates legal certainty because citizens know that statutes passed by Parliament are final and binding. Secondly, parliamentary sovereignty results in flexibility of the constitution. Since Parliament can make or unmake any law, constitutional change can occur through ordinary legislation without requiring special procedures. This flexibility allows the legal system to adapt to social, political, and economic changes. Another result is democratic accountability, as Parliament is elected by the people and therefore represents popular will. Laws are made by representatives who can be questioned, criticized, or removed through elections. Parliamentary sovereignty also ensures unity of legal authority, preventing conflicts between competing law-making bodies (Nemţoi, 2014).

Another significant result of Parliamentary Sovereignty is its impact on the judiciary and judicial review. Courts in the United Kingdom do not have the power to strike down primary legislation passed by Parliament. Instead, judges must interpret and apply statutes as enacted, even if the law appears unjust or unreasonable. This result preserves the separation of powers by limiting judicial authority and preventing judges from becoming lawmakers. However, courts still play an important role through statutory interpretation, where they clarify ambiguous provisions and ensure consistent application of the law. Parliamentary sovereignty also results in judicial obedience to later Acts of Parliament, even if they conflict with earlier statutes. The later law automatically prevails, reflecting Parliament's continuing authority. Another outcome is the limited effect of international law and treaties within domestic law. International obligations do

not become enforceable unless Parliament incorporates them through legislation. This reinforces national legislative independence. Furthermore, parliamentary sovereignty results in political rather than legal limits on Parliament. While Parliament can legally pass any law, it is restrained by public opinion, political pressure, and moral standards.

Parliamentary Sovereignty also results in a distinctive relationship between Parliament and devolved authorities. Devolved bodies such as the Scottish Parliament, Senedd Cymru, and Northern Ireland Assembly exercise law-making powers only because Parliament has granted them authority. Legally, Parliament retains the power to legislate on devolved matters and may amend or repeal devolution statutes at any time. This result emphasizes that devolution does not weaken sovereignty but operates under it. Another result is the doctrine's influence on constitutional conventions. While conventions guide political behavior, they are not legally enforceable and cannot override Acts of Parliament. This maintains the legal supremacy of statutes over political practices. Parliamentary sovereignty further results in continuity of authority, as no Parliament can bind its successors. Each new Parliament enjoys the same unlimited legislative power as previous ones. This prevents permanent entrenchment of laws and supports democratic renewal. Additionally, the doctrine results in parliamentary control over constitutional reforms, including electoral laws and institutional structures. Changes occur through legislative processes rather than judicial decisions (Deb, 2023).

Another important result of Parliamentary Sovereignty is its effect on fundamental rights and liberties. In the United Kingdom, rights are protected primarily through legislation rather than a supreme written constitution. Parliament has the authority to define, expand, limit, or even remove legal rights through statutory law. This result places responsibility for rights protection on elected representatives rather than courts. The Human Rights Act 1998 demonstrates this outcome, as it allows courts to issue declarations of incompatibility but not invalidate parliamentary legislation. Parliament retains the final decision on whether to amend the law. This preserves sovereignty while allowing judicial input. Parliamentary sovereignty also results in adaptability of rights protection, enabling Parliament to respond to security concerns, social change, or public demands. However, it also means that rights are not legally entrenched and can be altered by ordinary legislation. This creates reliance on political safeguards, such as elections, debate, and public scrutiny.

Parliamentary Sovereignty also produces significant results in relation to constitutional stability and change. Because Parliament can legislate without special procedures, reforms can be introduced efficiently and without legal deadlock. This result allows the constitution to evolve gradually through statutes rather than sudden revolutionary changes. Examples include reforms to the House of Lords, electoral laws, and administrative structures. Parliamentary sovereignty further results in avoidance of

constitutional rigidity, which is common in systems with entrenched constitutions. The absence of higher law prevents conflicts between constitutional texts and ordinary legislation. Another result is political responsibility for constitutional outcomes, as Parliament must justify reforms directly to the electorate. Failures or unpopular changes can be corrected through elections. However, this flexibility may also lead to uncertainty if frequent changes occur. Therefore, political culture and conventions play an important stabilizing role (Vandamme, 2020).

Parliamentary Sovereignty results in the ultimate dominance of political decision-making over strict legal constitutional limits. Major constitutional questions, such as withdrawal from international organizations or changes in governance structures, are resolved through parliamentary legislation. This result was clearly seen in the Brexit process, where Parliament played the decisive legal role. Sovereignty ensures that elected representatives determine national direction rather than external bodies or courts. Another result is reinforcement of national independence, as no external authority can impose binding laws without parliamentary approval. This strengthens democratic self-government. Parliamentary sovereignty also results in clear accountability for controversial decisions, since responsibility rests with Parliament. Voters can reward or punish representatives accordingly. However, this dominance also requires restraint and wisdom to prevent abuse of power. Therefore, political ethics, conventions, and public scrutiny act as essential safeguards.

Parliamentary Sovereignty in the UK Constitution produces clear legal results in constitutional practice. The main result is that Parliament holds the highest law-making authority without any legal limitation. Courts must apply Acts of Parliament and cannot question their validity. This creates certainty and uniformity in the legal system. Judges focus on interpretation rather than review of legislation. As a result, democratic legitimacy is strengthened because laws are made by elected representatives. Parliamentary sovereignty also ensures flexibility, allowing Parliament to amend or repeal any law according to changing social needs. No Parliament can bind its successors, so future Parliaments remain free. This principle prevents constitutional stagnation and allows gradual legal development. Another important result is that international law does not automatically override domestic law unless incorporated by Parliament. This protects national legislative independence. The doctrine also reinforces the supremacy of statute law over common law (Tremblay, 2005).

Another major result of Parliamentary Sovereignty is the limited role of judicial review in the United Kingdom. Courts do not possess power to strike down primary legislation. Unlike constitutional systems with written constitutions, UK judges cannot invalidate Acts of Parliament. This result preserves parliamentary supremacy and maintains separation of powers in a unique form. Judicial independence exists, but within

boundaries set by Parliament. Courts may interpret statutes creatively, yet they must respect legislative intent. This ensures that policy decisions remain with elected lawmakers. The result is democratic accountability rather than judicial dominance. Parliamentary sovereignty also influences constitutional conventions. While conventions guide political behavior, they are not legally enforceable against Parliament. Parliament may legally breach conventions without judicial sanction. This reinforces the idea that political, not legal, limits constrain Parliament. Another outcome is that constitutional change occurs through ordinary legislation. There is no special amendment procedure. This simplicity accelerates reform but relies heavily on political responsibility. Consequently, the UK constitution remains flexible, evolving through parliamentary action rather than judicial control.

The results of Parliamentary Sovereignty also appear in its relationship with devolved institutions. Parliament legally retains authority over Scotland, Wales, and Northern Ireland. Devolution statutes delegate power but do not transfer sovereignty. Parliament may amend or repeal devolution laws at any time. This result confirms that devolved bodies exercise power conditionally. Courts recognize devolution limits but ultimately uphold parliamentary supremacy. Another result concerns human rights protection. The Human Rights Act 1998 allows courts to issue declarations of incompatibility. However, they cannot invalidate legislation. Parliament decides whether to amend the law. This maintains sovereignty while encouraging rights compliance. Additionally, parliamentary sovereignty affects Brexit outcomes. Withdrawal from the European Union reaffirmed Parliament's ultimate authority. EU law no longer has supremacy unless adopted by statute. This result restored legislative control to Westminster (Leyland, 2011).

Parliamentary Sovereignty produces political results affecting accountability and responsibility. Because Parliament is supreme, voters can clearly identify lawmakers as responsible for legislation. This strengthens democratic control through elections. Governments cannot shift blame to courts for unpopular laws. The result is enhanced political transparency. Parliamentary debates, voting records, and legislative procedures gain importance. Sovereignty also reinforces the role of political opposition. Opposition parties challenge legislation within Parliament rather than courts. This promotes robust parliamentary debate. Another result is ministerial responsibility. Ministers must justify laws and policies before Parliament. Failure may lead to resignation or loss of confidence. This political accountability substitutes for legal limitation. Parliamentary sovereignty therefore relies on conventions and democratic norms. Its success depends on responsible governance. When used properly, it balances power and liberty. When misused, it risks majoritarian abuse. Thus, its results are closely tied to political culture rather than legal enforcement.

The doctrine's results also affect legal certainty and hierarchy of laws. Statute law stands above all other legal sources. Common law must yield to Acts of Parliament. This creates a clear legal hierarchy. Lawyers and judges prioritize legislation in legal reasoning. Another result is predictability in legal outcomes. Citizens can rely on enacted laws as final authority. Parliamentary sovereignty also simplifies constitutional understanding. There is no conflict between constitutional and ordinary law. All Acts have equal legal status. This avoids complex constitutional litigation. However, it places great responsibility on Parliament. Rights protection depends on legislative restraint. The result is a trust-based constitutional system. Political safeguards replace legal entrenchment. This approach reflects historical development. It emphasizes parliamentary democracy over constitutional supremacy. Consequently, the UK maintains a unique constitutional identity among modern states.

The results of Parliamentary Sovereignty confirm Parliament's dominant constitutional position. It ensures ultimate legislative authority rests with elected representatives. Courts, devolved bodies, and executives operate within parliamentary limits. This maintains democratic legitimacy in law-making. Sovereignty also guarantees constitutional flexibility. Parliament can respond quickly to social, economic, and political change. This adaptability has preserved constitutional continuity. Another result is political rather than legal limitation. Accountability is enforced through elections, conventions, and public opinion. This requires a strong democratic culture. Parliamentary sovereignty therefore functions best in a mature democracy. Its results reflect trust in representative institutions. While criticized for weak rights protection, it emphasizes democratic choice. Ultimately, the doctrine produces a constitutional system centered on Parliament.

IV. Discussion

Parliamentary sovereignty is the most important principle of the United Kingdom constitution. It means that Parliament is the supreme legal authority and has the power to make, amend, or repeal any law. No other body, including the courts, can override or set aside an Act of Parliament (Dr. Syed Raza Shah Gilani et al., 2023). This concept was clearly explained by A.V. Dicey, who described parliamentary sovereignty as the right of Parliament to make or unmake any law whatsoever. According to this doctrine, Parliament can legislate on any subject, whether political, social, economic, or moral. There are no legal limits on its authority. Even laws that may appear unjust or unreasonable are valid if passed according to proper procedure. Another key aspect is that no Parliament can bind its successors. This means that a future Parliament is free to change or repeal laws made by a previous one. Parliamentary sovereignty ensures democratic control because Parliament represents the will of the people. Members of

Parliament are elected, and therefore laws reflect public choice.

A.V. Dicey's explanation of parliamentary sovereignty remains the most influential interpretation in constitutional law. Dicey identified three main elements of this doctrine. First, Parliament has unlimited legislative authority. It can pass laws on any matter without restriction. Second, no person or institution can challenge the validity of an Act of Parliament. Courts must apply the law as enacted and cannot question its wisdom or fairness. Third, no Parliament can bind future Parliaments. This ensures continuity and democratic freedom. Dicey believed that this principle protects democracy because elected representatives have the final say in law-making. However, Dicey's theory was developed in the nineteenth century, when Parliament faced fewer external and internal constraints (Allah Rakha, 2023). At that time, there was no written constitution, no constitutional court, and limited international obligations. Dicey viewed sovereignty as absolute and indivisible. His theory emphasized legal sovereignty rather than political reality. While Parliament may be legally supreme, political pressures often influence its actions. Public opinion, political parties, and constitutional conventions can affect parliamentary decisions.

In practice, parliamentary sovereignty is influenced by several political and constitutional factors. Although Parliament has legal supremacy, it does not act in isolation. Political sovereignty often lies with the electorate, as Members of Parliament are accountable to voters. If Parliament enacts unpopular laws, it may face political consequences in elections. Political parties, party discipline, and the role of the Prime Minister also shape parliamentary decision-making. Additionally, constitutional conventions limit how Parliament uses its powers. For example, conventions guide the relationship between the House of Commons and the House of Lords. The Salisbury Convention restricts the Lords from blocking legislation promised in an election manifesto. These conventions are not legally enforceable but are politically binding. Furthermore, devolution has affected parliamentary sovereignty. The establishment of devolved legislatures in Scotland, Wales, and Northern Ireland has transferred certain powers away from Westminster. Although Parliament remains legally supreme and can override devolved bodies, it rarely does so without consent. This shows that sovereignty is often exercised with restraint.

The role of the judiciary in relation to parliamentary sovereignty is limited but significant. Traditionally, courts have upheld the principle that Acts of Parliament are supreme. Judges cannot declare an Act of Parliament invalid. Their duty is to interpret and apply the law as enacted (Goldsworthy, 2022). This approach reflects respect for parliamentary authority. However, courts have developed principles of statutory interpretation that influence how laws operate in practice. Through purposive and contextual interpretation, judges can shape the effect of legislation. The Human Rights

Act 1998 has also affected the judicial role. Under this Act, courts can issue a declaration of incompatibility if a statute conflicts with the European Convention on Human Rights. Such a declaration does not invalidate the law but places political pressure on Parliament to amend it. This preserves parliamentary sovereignty while enhancing rights protection. Additionally, courts have recognized constitutional statutes, such as the Magna Carta and the Scotland Act. These statutes are not easily repealed by implication. This development suggests a more nuanced understanding of sovereignty. While Parliament remains supreme, courts acknowledge constitutional principles that deserve special protection.

Membership of the European Union created one of the most significant challenges to parliamentary sovereignty. Through the European Communities Act 1972, Parliament accepted the supremacy of EU law over domestic law in certain areas. UK courts were required to give effect to EU law, even if it conflicted with an Act of Parliament. The case of *Factortame* clearly demonstrated this limitation, where an Act of Parliament was disapplied because it conflicted with EU law. However, this limitation existed because Parliament voluntarily accepted it. Parliament retained the legal authority to withdraw from the EU. This occurred through the Brexit process and the European Union (Withdrawal) Act 2018. Brexit restored full legislative autonomy to Parliament. This episode confirmed that parliamentary sovereignty was not destroyed but temporarily limited by political choice. It showed that Parliament can choose to share or reclaim its powers. The EU experience highlights the flexibility of parliamentary sovereignty. It can adapt to changing political circumstances without losing its core principle.

Parliamentary sovereignty remains the cornerstone of the United Kingdom constitution. It establishes Parliament as the highest law-making authority and ensures democratic legitimacy through elected representatives. Although Dicey described sovereignty as absolute, modern developments have introduced practical limitations. Political accountability, devolution, judicial interpretation, and human rights obligations influence how Parliament exercises its powers. These factors do not remove sovereignty but shape its operation in a balanced constitutional framework. The experience of EU membership further demonstrated that Parliament can choose to limit its authority and later restore it. This flexibility is a strength of the UK constitutional system. Unlike rigid written constitutions, parliamentary sovereignty allows gradual constitutional change through ordinary legislation. However, critics argue that excessive concentration of power in Parliament may threaten individual rights. Supporters respond that democratic control and political responsibility provide sufficient safeguards.

Parliamentary Sovereignty is the most important principle of the United Kingdom's constitutional system. It means that Parliament is the supreme law-making authority and has the legal power to make, amend, or repeal any law. According to this doctrine, no other institution, including the courts, can override or set aside an Act of

Parliament. This concept was most clearly explained by A.V. Dicey, who stated that Parliament can make or unmake any law whatever, and no person or body has the right to question its validity. Parliamentary Sovereignty ensures that elected representatives hold the highest authority, reflecting democratic values. It also means that Parliament is not bound by previous Parliaments and can change earlier laws whenever it wishes. This flexibility allows the legal system to adapt to social, political, and economic changes (AllahRakha, 2024a). However, parliamentary sovereignty does not mean unlimited power in a moral sense; it only refers to legal authority. In practice, Parliament usually respects constitutional conventions, international obligations, and fundamental rights.

The historical development of Parliamentary Sovereignty is closely linked with the struggle between the monarchy and Parliament. In early English history, the King held supreme authority, but over time Parliament gained power through legal and political conflicts. The Magna Carta 1215 was an important milestone because it limited the arbitrary power of the King and recognized that the ruler must act according to law. Later, the Petition of Right 1628 and the Bill of Rights 1689 further strengthened Parliament's position. The Glorious Revolution of 1688 played a crucial role in establishing parliamentary supremacy by confirming that the monarch could not rule without Parliament's consent. As a result, legislative authority gradually shifted from the Crown to Parliament. By the eighteenth and nineteenth centuries, Parliament emerged as the supreme law-making body. A.V. Dicey later articulated this principle in a systematic manner, giving it a clear legal meaning.

According to A.V. Dicey, Parliamentary Sovereignty has three essential elements. First, Parliament has unlimited legislative authority, meaning it can legislate on any subject without legal restriction. There is no written constitution in the UK that limits Parliament's powers. Second, no Parliament can bind its successors, which means that a future Parliament can amend or repeal any law passed by an earlier one. This principle ensures continuity and flexibility in the legal system. Third, no person or institution, including courts, can challenge the validity of an Act of Parliament. Courts are required to apply laws enacted by Parliament, even if they appear unjust or unreasonable. Dicey's theory emphasizes the absolute legal supremacy of Parliament. However, it is important to understand that this supremacy is legal rather than political. In practice, Parliament often exercises its powers cautiously and responsibly. Dicey's explanation remains highly influential and is frequently cited by courts and legal scholars. His theory provides a clear and structured understanding of Parliamentary Sovereignty and explains why Parliament holds the highest legal authority within the UK constitutional framework.

Although Parliamentary Sovereignty is a fundamental principle, it operates alongside certain practical limitations (Elliott, 2002). These limitations are not legal but political in nature. For example, Parliament is accountable to the electorate and may lose

public support if it passes unpopular or unjust laws. Political pressure, public opinion, and media scrutiny influence parliamentary decision-making. Additionally, constitutional conventions play an important role in guiding Parliament's actions. These conventions are not legally enforceable but are followed to maintain constitutional stability. Another practical limitation arises from the rule of law, which encourages Parliament to respect fairness, equality, and justice. Furthermore, international obligations, such as treaties and agreements, also affect parliamentary conduct. While Parliament can legally breach international law, doing so may result in diplomatic or economic consequences. Devolution has also created practical limits, as powers are transferred to devolved assemblies in Scotland, Wales, and Northern Ireland. However, legally, Parliament retains ultimate authority.

The relationship between Parliamentary Sovereignty and the judiciary is an important aspect of constitutional discussion (Lui, 2022). Courts in the UK recognize Parliament as the supreme law-making body and generally do not question the validity of Acts of Parliament. Judges are bound to interpret and apply legislation as enacted. However, courts play a crucial role in interpreting statutes and ensuring their proper application. Through statutory interpretation, courts may influence how laws operate in practice. The Human Rights Act 1998 introduced a significant development by allowing courts to issue declarations of incompatibility if legislation conflicts with human rights standards. Although such declarations do not invalidate the law, they place political pressure on Parliament to amend it. This preserves Parliamentary Sovereignty while enhancing rights protection. Judicial review also allows courts to examine the actions of public authorities, but not Parliament itself.

In modern times, Parliamentary Sovereignty continues to evolve due to constitutional and political developments. Membership of the European Union previously challenged traditional sovereignty, as EU law had supremacy over domestic law. However, the UK's withdrawal from the EU restored Parliament's full legislative authority. Devolution has also reshaped sovereignty by granting legislative powers to regional assemblies, though Parliament remains legally supreme. The increasing emphasis on human rights, democracy, and constitutionalism has influenced how sovereignty is exercised. Some scholars argue that Parliamentary Sovereignty is no longer absolute but shared or constrained. Others maintain that it remains intact in legal theory. Despite these debates, Parliamentary Sovereignty remains a central principle of the UK constitution. It provides clarity about where ultimate legal authority lies and ensures democratic accountability (AllahRakha, 2024b). Parliament's ability to adapt laws to changing circumstances demonstrates the strength of this doctrine.

Conclusion

Parliamentary sovereignty is the central principle of the British constitutional system and remains the foundation of legislative authority in the United Kingdom. It means that Parliament has the supreme legal power to make, amend, or repeal any law without legal limitation by any other body. No court, monarch, or institution can override or set aside an Act of Parliament. This principle ensures clarity, certainty, and democratic legitimacy because laws are made by elected representatives accountable to the people. Parliamentary sovereignty also reflects historical struggles between the Crown and Parliament, leading to the supremacy of Parliament over all other powers. Despite constitutional developments and political changes, this doctrine continues to guide the operation of the UK constitution. It provides flexibility, allowing Parliament to respond to social, economic, and political needs without being bound by a rigid written constitution.

Although parliamentary sovereignty is supreme, its application has evolved through judicial interpretation, political practices, and constitutional conventions. A. V. Dicey explained that Parliament can make or unmake any law, and no Parliament can bind its successors. This means each new Parliament enjoys equal authority to legislate freely. Courts play a crucial role by recognizing and enforcing Acts of Parliament, even when such laws appear unjust or controversial. However, courts do not question the validity of legislation, reflecting respect for parliamentary supremacy. Constitutional conventions, though influential, do not legally limit Parliament's power. They guide political behavior but lack enforceability in courts. The parliamentary sovereignty operates within a political framework rather than strict legal constraints. This balance maintains democratic accountability while preserving legal certainty. The doctrine continues to adapt to changing governance needs without losing its core principle of supremacy.

Parliamentary sovereignty has also been influenced by the growth of constitutional principles such as the rule of law and separation of powers. While Parliament holds supreme authority, it is expected to legislate in accordance with fundamental legal values. The rule of law requires that laws apply equally and are enforced fairly, even when enacted by Parliament. Courts ensure interpretation and application, but not validity, of legislation. This creates a cooperative relationship between Parliament and the judiciary rather than a conflict. Parliamentary sovereignty does not mean arbitrary power, because political accountability, public opinion, and democratic elections act as powerful restraints. Members of Parliament remain answerable to voters, which discourages misuse of legislative power. Moreover, respect for human rights and constitutional traditions shapes parliamentary decision-making. Therefore, sovereignty exists alongside responsibility. This relationship strengthens democratic legitimacy while maintaining legal supremacy.

The impact of European Union membership and later withdrawal also highlights

the flexibility of parliamentary sovereignty. During EU membership, Parliament accepted limitations on its legislative freedom by giving effect to EU law through domestic legislation. However, this limitation was voluntary and based on parliamentary consent. The courts recognized the supremacy of EU law only because Parliament allowed it. Brexit clearly demonstrated the continuing authority of Parliament, as withdrawal from the European Union was achieved through parliamentary legislation. This confirmed that no external legal system could permanently restrict Parliament's sovereignty. The ability to delegate or reclaim powers illustrates the strength of the doctrine. Parliamentary sovereignty allows adaptation to international obligations while preserving ultimate control. In conclusion, EU membership did not destroy sovereignty but rather illustrated its dynamic nature. Parliament remained the final decision-maker, capable of reshaping constitutional arrangements when political will demanded.

Parliamentary sovereignty also plays a vital role in maintaining constitutional simplicity within the United Kingdom. Unlike countries with written constitutions, the UK relies on parliamentary legislation as the highest form of law. This avoids complex amendment procedures and allows swift legal reform when required. Parliament can address emerging challenges such as technological change, economic crises, and social reform efficiently. This flexibility supports effective governance and legal responsiveness. However, such power requires maturity and restraint, which are provided through democratic processes and political conventions. Public debate, opposition scrutiny, and media oversight act as safeguards against abuse. Parliamentary sovereignty therefore supports both efficiency and accountability.

Parliamentary sovereignty remains the defining feature of the United Kingdom's constitutional framework. It establishes Parliament as the ultimate law-making authority while allowing space for judicial interpretation, political accountability, and constitutional conventions. The doctrine has proven resilient, adapting to historical change, democratic development, and international engagement without losing its essential character. Parliamentary sovereignty supports democracy by ensuring laws are made by elected representatives and can be changed through political processes rather than judicial supremacy. At the same time, respect for the rule of law, human rights, and public accountability ensures responsible use of power. The continued relevance of parliamentary sovereignty lies in its flexibility, simplicity, and democratic legitimacy. Ultimately, it ensures that constitutional authority remains grounded in representative governance.

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