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On the Legal Regulation of Intra-Platform Competition in E-commerce Platforms

Manyu Wei

School of Law, Anhui University of Finance & Economics, Bengbu233000, China

Abstract: With the deepening development of the digital economy, competition among e-commerce platforms has become increasingly fierce, gradually evolving into "involutionary" competition characterized by continuous price suppression and excessive marketing. This competitive model guides merchants to continuously lower prices through algorithms and platform rules, forming a vicious cycle of "low price—low quality—lower price," which not only damages merchants' profits and innovation capabilities but also disrupts market order and affects the healthy development of the industry chain. From the perspective of competition law, this paper systematically analyzes the formation mechanism, legal attributes, and negative impacts of involutionary competition among e-commerce platforms on market competition. Combining this with current Chinese laws and regulations, it explores the dilemmas in regulation and proposes systematic suggestions from the perspectives of legislative improvement, enforcement optimization, and industry self-regulation to promote the standardized and orderly development of the platform economy.

Keywords: E-commerce platforms; Involutionary competition; Anti-monopoly law; Anti-unfair competition law; Legal regulation.

1. Introduction

Under the strategic guidance of "building a unified national market" and "promoting the standardized, healthy and sustainable development of the platform economy", China's e-commerce platforms have developed a "competitive" competition characterized by continuous price suppression and excessive marketing when promoting the development of the digital economy. This irrational competition, through algorithm recommendation and platform rules, has led merchants into a price war, forming a vicious cycle of "low price - low quality - even lower price", squeezing merchants' profits and innovation motivation, distorting the market price mechanism, and harming the interests of consumers and industries. In essence, competitive involution reflects the deep-seated contradictions in the development of the platform economy. E-commerce platforms, with their technological and scale advantages, strengthen their position by using algorithm pricing, etc. Merchants are forced to participate in price competition in order to gain traffic, resulting in a decline in industry profits [1]. China's current competition law system provides a basic framework for regulating platform competition. The Anti-Monopoly Law, the Anti-Unfair Competition Law and the E-commerce Law together constitute the regulatory basis. However, with the innovation of platform competition, the application of existing laws faces challenges, such as the concealment of algorithms, the complexity of market definition and the ambiguity of behavior identification, which bring difficulties to regulation. This paper systematically analyzes the legal regulation issues of involutionary competition among e-commerce platforms, dissects its formation mechanism and harm, assesses the inadequacy of current regulations, and proposes improvement paths and suggestions. This will help enrich the theory of platform economy competition regulation, provide institutional reference for the development of the platform economy, and have important theoretical and practical significance for building a high-standard market system and promoting the high-quality development of the digital economy.

2. Definition and Market Impact of Involutionary Competition

2.1. Conceptual Connotation and Form of Expression

Involutionary competition is a low-level, repetitive competitive behavior adopted by e-commerce platforms in the context of the digital economy in order to compete for limited market space. This competitive model is mainly manifested in the platform using algorithm recommendation, traffic allocation and other technical means to guide the operators within the platform to continuously lower the price of goods, forming an irrational price competition situation. In specific terms, the platform establishes a merchant ranking system with price as the core indicator, and gives more exposure opportunities to merchants who adopt low-price strategies, forming a competitive rule of "lowest price wins traffic" [2]. At the same time, the platform's bidding ranking mechanism further strengthens the dominant position of price competition, causing merchants to fall into an endless price war.

Essentially, involutionary competition reflects the distortion of resource allocation and the failure of market mechanisms in the platform economy. In a normal market competition environment, companies should gain a competitive advantage by improving product quality, service levels, and technological innovation. However, under the involutionary competition model, platform companies rely excessively on price as their primary means of competition, [For example, there is an overlap between the monopoly agreement regime under Article 101 of the Treaty on the Functioning of the European Union and the abuse of market dominance regime under Article 102. In the CMB case judgment issued by the European Court of Justice on March 16, 2000, the Court, in clarifying the applicability of these two

articles, explicitly pointed out that the same conduct can violate both articles simultaneously, but the two articles pursue different objectives: Article 101 applies to agreements that may significantly affect trade between Member States, regardless of the market position of the companies involved; Article 102 applies to abuses of economic power by one or more companies. See Joined cases C-395/96 P and C-396/96 P. CMBT and others v Commission, [2000] ECR 1-01365, paras. 33-34.] neglecting the importance of non-price factors. The prevalence of this competitive model not only damages merchants' reasonable profit margins but also hinders the industry's innovative development. In terms of manifestation, involutionary competition exhibits diverse characteristics. Besides direct price wars, it also includes competition through disguised price reductions such as coupons, discounts, and subsidy wars. While these competitive methods may attract consumers in the short term, they lead to market price distortions and chaotic competitive order in the long run. Even more seriously, some platforms further exacerbate the negative impact of involutionary competition through algorithmic collusion and price discrimination based on big data.

2.2. Negative Impact on Market Order

Involutionary competition has many negative impacts on market competition order. From the perspective of market players, continuous price pressure has severely squeezed the profit margins of merchants, especially small and medium-sized enterprises (SMEs), which are unable to withstand long-term low-price competition, directly affecting their R&D investment and innovation development [3]. According to relevant research, under the influence of involutionary competition on e-commerce platforms, the profit margins of many SMEs have fallen to a level that makes it difficult to maintain normal operations. This forces some enterprises to reduce product quality in order to survive, thus triggering a market effect of "bad money driving out good money".

While consumers may enjoy lower prices in the short term, For different understandings of the concept of regulation at home and abroad, see Ma Yingjuan, “The Concept of Regulation: International Perspective and Chinese Discourse,” *Zhejiang Academic Journal*, 2018, No. 4, p. 49. For different understandings of the concept of deregulation abroad, see Thomas G. Krattenmaker, *Implications of Deregulation for Antitrust Policy*, *Antitrust Law Journal*, Vol. 53: 211, p. 211 (1984). insufficient investment in corporate innovation will lead to declining product quality and a narrower range of choices in the long run, ultimately harming overall consumer welfare. While enjoying low prices, consumers often bear multiple hidden costs, including information search costs, quality risks, and a lack of after-sales service. When the market falls into a vicious cycle of involutionary competition, consumers' long-term interests will be severely damaged.

In terms of market competition environment, involutionary competition distorts the normal operation of the price mechanism, making prices unable to truly reflect market supply and demand and commodity value, thus damaging the fair competition environment. The distortion of price signals leads to inefficient resource allocation, making it difficult for high-quality enterprises to obtain reasonable returns through normal price mechanisms, while low-quality enterprises may obtain market space through low-price strategies [4]. This distorted competitive environment will not only reduce market efficiency, but also hinder industrial upgrading and technological progress. From the perspective of industrial development, involutionary competition will trigger a chain of negative effects. Upstream suppliers face continuous cost pressure and have to reduce the quality of raw materials and production process standards; the profit margins of midstream manufacturing enterprises are compressed, and they lack sufficient funds for technological research and development and equipment upgrades; downstream sales channels rely excessively on price competition, making it difficult to establish brand value and market reputation. This negative impact on the entire industrial chain will ultimately restrict the healthy development of the entire industry.

3. Inadequacies of the Current Legal Regulatory System

3.1. The Dilemma of Antitrust Regulation

China's Anti-Monopoly Law faces systemic challenges when applied to the involutionary competition of e-commerce platforms. In the relevant market definition stage, the multilateral market characteristics of the platform economy make it difficult to accurately apply the traditional SSNIP test method. E-commerce platforms often provide services to multiple groups such as consumers, merchants and advertisers at the same time, and there are complex cross-network effects among these groups [5]. For example, an e-commerce platform provides shopping services for consumers, sales channels for merchants, and marketing platforms for advertisers. This multilateral market characteristic makes the relevant market definition extremely complicated. In terms of market dominance determination, the price manipulation behavior implemented by the platform through algorithms is difficult to regulate using traditional analysis methods. The concealment and real-time nature of algorithm pricing make it difficult for law enforcement agencies to obtain effective evidence and prove that the platform has a dominant position and abuses this position.

At the level of regulation of monopoly agreements, The most typical example in my country is that the 2020 Central Economic Work Conference first proposed "strengthening anti-monopoly efforts to prevent the disorderly expansion of capital"; the 2021 Central Economic Work Conference stated that it would "set up 'traffic lights' for capital, strengthen effective supervision of capital in accordance with the law, and prevent the unchecked growth of capital." For discussions abroad regarding anti-monopoly as a form of regulation, see A. Douglas Melamed, Antitrust: The New Regulation, Antitrust, Vol. 10: 1, pp. 13-15 (1995). the behavior of platforms guiding merchants to achieve price coordination faces legal recognition difficulties. Although such behavior may touch the red line of horizontal monopoly agreements, new forms of monopoly such as algorithmic collusion pose a challenge to the traditional standards for determining agreements. The traditional determination of monopoly agreements requires proof of the existence of a communication between operators, but in the involutionary competition driven by algorithms, such communication is often indirectly achieved through algorithms and is difficult to prove directly [6]. For example, if a platform provides pricing suggestions to merchants through a unified algorithm system, resulting in the pricing strategies of different merchants becoming more consistent, whether this behavior constitutes a monopoly agreement is controversial under the

current legal framework.

The current business operator concentration review system has also shown shortcomings in addressing mergers and acquisitions in the platform economy. The existing Anti-Monopoly Law's assessment of the competitive impact of platform company mergers and acquisitions primarily relies on traditional market share indicators, failing to adequately consider newer assessment indicators such as data concentration and user attention concentration. Platform companies can rapidly acquire large amounts of user data through mergers and acquisitions, thereby strengthening their market position. This competitive advantage formed through data accumulation is often difficult to measure using traditional indicators. Furthermore, current laws lack regulations on "killer acquisitions" by platform companies. While these mergers and acquisitions may be small in scale individually, they can eliminate potential competitive threats, thereby consolidating the platform's market position.

3.2. Limitations of the Application of the Anti-Unfair Competition Law

Article 12 of the Anti-Unfair Competition Law makes specific provisions for unfair competition on the Internet, but it has obvious limitations when applied to the involution of competition on e-commerce platforms. There is a gap between the abstract nature of the legal provisions and the specific manifestations of involutionary competition [7]. The provisions prohibit operators from using technical means to influence users' choices, but fail to explicitly include typical involutionary competition behaviors such as price wars and traffic monopolies driven by platforms through algorithms within the scope of regulation. In practice, platforms often defend their behavior on the grounds of improving user experience and optimizing the platform ecosystem, making it difficult for law enforcement agencies to determine the unfairness of their behavior.

The first prominent problem lies in the difficulty of establishing effective deterrence through legal liability. Current laws impose relatively lenient penalties on unfair competition, disproportionate to the enormous profits platforms may gain through such intense competition. This leads some platform companies to continue engaging in such practices even at the cost of penalties. Furthermore, the lack of legal provisions regarding the personal liability of platform managers allows actual decision-makers to often evade legal responsibility.

Another prominent issue is the uncertainty of the application of the law. Since involutionary competition often falls in the gray area between legal and unfair competition, different law enforcement agencies may make different determinations on the same behavior [8]. For example, the personalized pricing behavior implemented by the platform through algorithms is considered by some law enforcement agencies to be a normal market pricing strategy, while others have determined it to constitute big data price discrimination. This lack of uniformity in law enforcement standards not only affects the fairness of the application of the law, but also increases the compliance costs of enterprises.

3.3. Challenges in Implementing the E-commerce Law

Article 35 of the E-commerce Law establishes the principle of fair transactions on the platform, but faces many challenges in its implementation. This article prohibits platforms from using service agreements, transaction rules and technical means to impose unreasonable restrictions on operators on the platform, but fails to clarify the specific criteria for judging " unreasonable restrictions " [9]. In practice, platforms often implement restrictive behaviors through complex algorithm rules and platform agreements. The technicality and professionalism of these rules and agreements make it difficult for law enforcement agencies to conduct effective reviews.

3.3.1. Lack of Platform Rule Review Mechanism

Current laws lack an effective review mechanism for platform rules. [See Yang Dong, “On the Coordination Relationship between Anti-Monopoly Law and Industry Regulatory Law”, Jurist, No. 1, 2008, p. 22.] arious rules established by platforms, such as entry rules, traffic allocation rules, and penalty rules, can significantly impact the competitive behavior of businesses operating within the platform. However, these rules are often unilaterally formulated by the platform, lacking transparency and fairness. Although the E-commerce Law requires platform rules to be made public, it has not established an effective pre-review mechanism, leading to the implementation of some rules that could trigger involutionary competition.

3.3.2. Insufficient Algorithm Transparency Requirements

The E-commerce Law has a relatively general requirement for transparency of platform algorithm rules, but lacks specific and operable regulations. In the involution of competition, platform algorithms play a key role. Platforms influence the order of product display through search algorithms, recommendation algorithms, etc., thereby affecting the competitive strategies of merchants [10]. However, the current law does not require platforms to disclose the basic principles and main parameters of the algorithm, making it difficult for operators on the platform to understand the competition rules and to raise objections to possible discriminatory treatment.

3.3.3. Lagging Regulatory Measures

The pace of technological updates in regulation lags far behind the development of platform technology. E-commerce platforms utilize increasingly complex algorithms, while regulatory authorities lack the corresponding technological means for effective oversight. For example, the dynamic pricing and personalized recommendations implemented by platforms through artificial intelligence algorithms are difficult for regulatory authorities to monitor and assess in real time regarding their competitive impact. This technological gap often results in regulation lagging behind market development, making it difficult to prevent involutionary competition.

3.3.4. Difficulties in Cross-Regional Law Enforcement Coordination

E-commerce platform operations are cross-regional, while regulatory enforcement is regional, leading to difficulties in enforcement coordination. An e-commerce platform may operate in multiple regions across the country simultaneously, and the impact of its competitive practices often extends across multiple administrative regions. Enforcement agencies in different regions may make different determinations regarding the same platform's actions, or pass the buck due to jurisdictional issues, significantly reducing enforcement efficiency.

4. Path to Improve Legal Regulation

4.1. Improve the Legal System

4.1.1. Improve the Anti-Monopoly Rules System

It is recommended to add a special clause to the Anti-Monopoly Law to explicitly include new monopolistic behaviors such as price collusion implemented by platforms through algorithms within the scope of regulation. The concept of "substantial collusion" can be introduced to include algorithmic behaviors that objectively restrict competition even without clear intentional communication. At the same time, standards for determining market dominance that are adapted to the characteristics of digital economic development should be formulated, and the impact of factors such as data control volume, user scale, and network effects on market power should be fully considered. In terms of legislative techniques, As of December 29, 2020, a full-text search of the "Peking University Law Database" Central Legal Regulations Database using "anti-monopoly regulation" as the keyword yielded only five documents (each with only one match): "Notice of the General Office of the State Council on Issuing the Comprehensive Work Plan for Reducing Circulation Costs and Improving Circulation Efficiency," "Opinions of the State Council on Accelerating the Construction of a Strong Intellectual Property Nation under the New Situation," "Notice of the General Office of the State Council on Issuing the Division of Key Tasks of the 'Opinions of the State Council on Accelerating the Construction of a Strong Intellectual Property Nation under the New Situation,'" "Announcement of the State Administration for Market Regulation on Supporting Anti-Monopoly Law Enforcement for Epidemic Prevention and Control and Resumption of Work and Production," and "Anti-Monopoly Guidelines of the State Council Anti-Monopoly Commission on the Automobile Industry."]the experience of the EU Digital Markets Act can be used as a reference to establish a "gatekeeper" system to impose special obligations on platform companies with important market positions [11]. These obligations include data portability, interoperability, and fair treatment of commercial users, which aim to prevent platforms from using their market position to promote involutionary competition. In addition, the operator concentration review system should be improved to include new transaction targets such as data concentration and acquisition of technical capabilities within the scope of review, and to prevent the elimination of potential competition through mergers and acquisitions.

4.1.2. Refine the Rules Against Unfair Competition

Article 12 of the Anti-Unfair Competition Law should be revised to further detail the specific manifestations of unfair competition online. It is recommended to explicitly list involutionary competitive behaviors implemented by platforms through algorithms, such as excessive price competition driven by algorithms, unfair traffic allocation, and search ranking penalties. At the same time, general provisions should be improved to leave room for regulating new types of unfair competition. Regarding legal liability, a penalty mechanism commensurate with the platform's scale should be established, introducing a percentage-of-revenue fine system to enhance legal deterrence. Furthermore, provisions for the personal liability of platform managers should be added, holding managers accountable for intentional or grossly negligent involutionary competitive behaviors. In addition, civil liability should be improved, granting injured businesses the right to class-action lawsuits and strengthening private enforcement mechanisms.

4.1.3. Strengthen the Implementation Mechanism of The E-Commerce Law

Formulate supporting implementation rules for the E-commerce Law to clarify the specific content and judgment criteria of the platform's fair trading obligations. It is recommended to establish a platform rule filing and review mechanism, requiring platforms to file rules that may affect competition with the regulatory authorities before implementation. If the regulatory authorities believe that the rules may lead to involutionary competition, they may require the platform to modify or suspend implementation [12]. In terms of algorithm supervision, establish a platform algorithm audit system, requiring platforms to conduct third-party audits on the fairness and transparency of their algorithm rules on a regular basis. The audit content should include the fairness, non-discrimination, and explainability of the algorithm. At the same time, platforms are required to disclose the main parameters and basic principles of the algorithm to ensure that operators within the platform can understand the competition rules.

4.2. Optimize the Law Enforcement and Supervision Mechanism

4.2.1. Enhance the Professionalism of Law Enforcement

Strengthen the professional capacity building of law enforcement agencies by establishing a dedicated digital market supervision department within anti-monopoly enforcement agencies. This department should be equipped with professional technical and legal teams. The [See John Braithwaite, Regulatory Capitalism: How it Works, Ideas for Making it Work Better, Edward Elgar, 2008, Chapter 1.] echnical team will be responsible for monitoring and analyzing platform algorithms and other technical means, while the legal team will be responsible for characterizing the behavior and applying the law. Establish a regular training mechanism to periodically update the knowledge and skills of law enforcement personnel, inviting technical experts and economists to participate in training to improve the overall quality of the law enforcement team.

4.2.2. Improve the Collaborative Law Enforcement System

Establish and improve a cross-departmental collaborative law enforcement mechanism, and clarify the division of responsibilities among market supervision departments, industry and information technology departments, and cyberspace administration departments in regulating the involutionary competition of regulatory platforms [13]. It is recommended to establish a joint law enforcement office to coordinate the law enforcement actions of various departments. Establish a unified law enforcement information platform to achieve data sharing and business collaboration among departments. At the same time, improve the guidance and coordination mechanism between central and local law enforcement agencies to ensure the uniformity of law enforcement standards.

4.2.3. Innovate Regulatory Methods

Explore the introduction of technological regulatory measures to improve regulatory effectiveness through regulatory technology. Develop a dedicated monitoring system to monitor platform pricing behavior and traffic allocation in real time. Establish a platform competition

behavior evaluation system, set scientific evaluation indicators, and conduct regular industry competition status assessments. Promote a compliance guidance system, publish platform competition compliance guidelines, and guide platforms to establish internal compliance mechanisms.

A "regulatory sandbox" mechanism could be considered to test new regulatory approaches within a controlled framework. Platforms could be allowed to pilot new business models under the supervision of regulatory authorities, assessing their competitive impact before deciding whether to roll them out. This mechanism encourages innovation while effectively controlling risks.

4.3. Strengthen the Main Responsibility of The Platform

4.3.1. Clearly Define the Platform's Specific Obligations

Legislation should further clarify platforms' specific obligations in preventing involutionary competition. Platforms should be required to establish fair and reasonable platform rules, prohibiting the use of rules to promote involutionary competition. Algorithm application should be standardized to ensure the fairness and transparency of algorithmic decision-making. [Professor Wang Liming argues that "malice" in civil law includes two types: first, conceptual malice, which refers to the awareness of the existence of a certain situation, emphasizing the actor's cognition of the facts; and second, intentional malice, which refers to malicious motives, i.e., the intent to harm the interests of others, emphasizing the reprehensible nature of the actor's subjective will. (See Wang Liming, *Research on Tort Law*, Renmin University of China Press, 2004, p. 456.)] erchants' right to set their own prices should be guaranteed, and platforms should be prohibited from forcing merchants to participate in price wars. A platform competition impact assessment system should be established, requiring platforms to assess the potential competitive impact before launching new business models or modifying important rules. Measures that may trigger involutionary competition should be fully justified and mitigation measures should be implemented. Simultaneously, an internal complaint handling mechanism should be established to promptly address and respond to the reasonable demands of operators within the platform.

4.3.2. Improve Internal Governance Structure

Platforms are required to establish and improve their internal compliance management system and incorporate competition compliance requirements into all aspects of their daily operations [14]. A dedicated compliance management organization should be established, with a compliance officer in charge, and compliance status should be reported to the regulatory authorities regularly. The compliance officer should be independent and professional and report directly to the board of directors. A mechanism for protecting the rights and interests of operators within the platform should be established, including guarantees for fair transactions, information disclosure, and dispute resolution. Platforms should regularly explain the changes to important rules to operators within the platform and solicit their opinions. For important decisions that may affect the interests of operators, operators should be given a sufficient transition and adaptation period.

4.3.3. Strengthen the Accountability Mechanism

Improve the legal liability system for platforms that violate competition rules, and establish a tiered penalty mechanism commensurate with the platform's size. Implement differentiated penalties based on factors such as the severity of the violation, its duration, and the platform's rectification efforts. Platforms that deliberately engage in involutionary competition or repeatedly fail to rectify their behavior may be subject to heavier penalties. Establish an accountability mechanism for platform leaders, holding managers responsible for major violations personally accountable. Liability may include fines and restrictions on future appointments. Simultaneously, incorporate platform competition compliance into the social credit system and link it to the platform's financing, bidding, and other economic activities.

4.4. Promote a Multi-Governance Framework

4.4.1. Leverage the Role of Industry Associations

Encourage e-commerce platform industry associations to formulate industry competition conventions and clearly define specific behavioral norms that prohibit involutionary competition [15]. Industry associations can organize the formulation of industry best practice guidelines to provide specific behavioral guidance for platform companies. Regularly conduct industry training to enhance companies' compliance awareness and capabilities. Establish an industry self-discipline and punishment mechanism to impose self-discipline punishment on platforms that violate industry conventions.

4.4.2. Improve the Dispute Resolution Mechanism

Promote the establishment of diversified dispute resolution mechanisms to provide convenient channels for rights protection for operators within the platform. It is recommended to establish independent third-party mediation bodies under industry associations to specifically handle competition disputes between platforms and their operators. Improve online dispute resolution mechanisms and utilize information technology to enhance dispute resolution efficiency. Establish a fast-track processing channel to prioritize disputes involving involutionary competition.

4.4.3. Strengthen Social Supervision

Establish a consumer and business operator complaint and reporting mechanism and improve the reporting reward system [16]. Set up a unified complaint and reporting platform, simplify the reporting procedures, and protect the legitimate rights and interests of whistleblowers. Regularly disclose the supervision of platform competition behavior to the public to improve the transparency of supervision. Give full play to the role of public opinion supervision and promote the standardized competition behavior of platforms through media exposure and other means.

4.4.4. Establish a Collaborative Governance Mechanism

Establish a collaborative governance mechanism involving the government, platforms, merchants, and consumers. Set up a regular consultation platform to gather opinions from all parties regarding platform competition policies. Establish an advisory committee composed of experts, scholars, industry representatives, and consumer representatives to participate in the formulation and evaluation of relevant policies. Promote social consensus to jointly maintain a healthy market competition environment.

5. Conclusion

The involution of competition among e-commerce platforms is a new type of competition problem that has

emerged in the process of digital economic development. Its negative impact on market order and industrial development needs to be taken seriously [17]. This competition model not only harms the legitimate interests of merchants, but also hinders the innovative development of the industry, and will ultimately harm consumer welfare and social public interests. Although the current competition legal system provides a basic regulatory framework, it still has shortcomings in terms of rule targeting and enforcement effectiveness. In the future, we should start from multiple dimensions such as improving legislation, optimizing enforcement, strengthening platform responsibility, and promoting multi-party co-governance to build a systematic and three-dimensional regulatory system. At the legislative level, it is necessary to update legal rules in a timely manner to adapt to the characteristics of digital economic development; at the enforcement level, it is necessary to improve the professionalism of enforcement and innovate regulatory methods; at the platform responsibility level, it is necessary to clarify platform obligations and improve internal governance; at the governance mechanism level, it is necessary to promote the formation of a multi-party co-governance pattern. Through the improvement of legal rules and the optimization of implementation mechanisms, we can guide e-commerce platform competition from price orientation to value orientation, from zero-sum game to symbiosis and win-win, and promote the standardized, healthy and sustainable development of the platform economy. This will not only help maintain a fair and competitive market environment, but also promote the high-quality development of the digital economy, ultimately achieving the goal of maximizing consumer welfare and optimizing social public interests.

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