Research on anti-monopoly problem in platform economy field

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Abstract: *With the advent of the digital era, the basic business structure of the platform economy has been formed. While the developed platform economy brings material benefits and social values, the anti-monopoly problem of maintaining the free and equal market economic environment also appears. The monopoly problems and the consequences of monopoly in the platform economy industry have begun to have a negative impact on the progress of the industry, economic development and social welfare. The necessity of curbing the monopoly phenomenon in the field of platform economy requires adhering to the basic rule of law, establishing and perfecting the diversified anti-monopoly governance system, so as to maintain the order of market competition and seek the long-term and stable development of platform economy.*
Key words: *platform economy; Anti-monopoly rule of law; market economy*

Introduction

Followed in the footsteps of the Internet era towards the digital age, the Internet platform economy along with information technology and the penetration of digital technology to the industry, in People's Daily economic life and social life plays an enormous influence, many forms of social interaction in the platform under the influence of economy obtained the unprecedented convenience and quality improvement. However, at the same time, the monopoly problem of the giant platform economy is also emerging. The excessive and abnormal development caused by the weak control of the platform economy also brings great challenges to the development of social economy, politics and the rule of law. The problem of monopoly and anti-monopoly in platform economy requires the whole society to take an objective and calm attitude, come up with the determination and rational plan to overcome difficulties repeatedly, and contribute social strength to improve the socialist market economic system and legal system.

The development of platform economy and its monopoly status

The basic meaning of platform economy

In terms of its functions in the socialist market economy, a market organization in which two or more different user entities are connected and supply and demand are combined according to their respective needs. The purpose of the platform is to mediate economic exchanges between different user groups, weaken transaction contradictions, improve transaction efficiency, and internalize and integrate the originally externalized transaction forms. For a common example, markets, blocks and shopping malls under different economic times are all platforms referred to here. It can be seen that platform is not a new thing, it has different forms of

expression in different times, and with the development of the society, it becomes more prosperous and more characteristic of The Times. Follow the rhythm of human entering the Internet age has come into being the Internet platform is economic platform for today's emerging markets organization form, along with the information technology and digital technology matures and towards a high and new industrial technology era, the Internet platform economy (hereinafter referred to as the platform for economic) as the organization form of social productivity is in constant deepening development, Has become an indispensable economic form in the daily life of today's society. From the early period of e-commerce platform exploration to the current relatively mature era of platform economy, with the continuous integration of platform economy with various fields and industries, the organizational forms of platform economy are constantly enriched, and the influence on the industries in which platform participates and similar platforms is also increasing. Although platforms have different organizational forms in different periods, the connotation of platform economy is also different from perspective and practical experience, and there are also differences in expression methods, from the perspective of industry performance, basic structure, normative system and development commonality of platform economy, Platform economy refers to a new economic form of business in which the Internet undertakes the functions of connecting, interacting and regulating social resources and social information allocation when the Internet technology has developed to a relatively mature stage. Viewed from this perspective, platform economy plays an important role in promoting transaction efficiency, maintaining transaction security and guaranteeing the management order of market economy. However, while affirping its positive benefits, it should also be noted that there is a prominent monopoly problem in platform economy.

Platform economy monopoly status quo

The winner-takes-all phenomenon is particularly evident in the platform economy. The overall development situation of the platform economy in China is strong. However, the monopoly of the giant in the platform economy industry has become a great unstable factor in the development of this strong development of economic situation. Among them, the platform economy is not sufficiently developed, the platform enterprises are not standardized, and the regulatory system is not adapted to the problems, which lead to risks and shortcomings in the development of the platform economy. With the Internet economy playing an increasingly important role in China's socialist market economy, platform economy has become the main place for future industrial and technological development and competition. Along with the enhancement of the functionality and social dependence of Internet platform, disputes and doubts about the trend of platform economy in various industries have been raised. The construction and improvement of the anti-monopoly regulation system in the field of platform economy has attracted more and more attention from the society.

The regulation of monopoly behavior in the field of platform economy should still start from the positioning and analysis of monopoly in current laws and regulations. In the narrow sense, it refers to the monopoly agreement implemented by Internet platform operators, the abuse of market dominant position and the exclusion of the concentration of operators that restrict the effect of competition. From general level, that is, the Internet industry's natural threshold and the pace of development than most industry, lead to early rising economic giant platform developed a "winner-take-all" situation, using the mature industrial architecture and its huge user base, on emerging economy enterprise platform, so that the winners of the "winner-take-all" market position, The market environment of free trade and the entrepreneurial atmosphere of healthy competition are

seriously damaged.

In December 2020, Alibaba, China Literature Group and Fengchao Network were fined 500, 000 yuan respectively for failing to declare the illegal implementation of operator concentration. In the same year, Alibaba was placed under investigation for suspected monopoly behavior such as "one of two choices". On April 10, 2021, Alibaba Group was fined a large sum by the State Administration for Market Regulation for abusing its dominant market position. Digital economy is a double-edged sword, powerful digital technology brings to the scientific and technological progress and social life a lot of good at the same time, also to left early potential platform for the large-scale economic enterprises take advantage of their own technological advantage, capital advantage, data and a malicious user base through the algorithm to eliminate competition and monopoly resources space and opportunities, This is harmful to the healthy and stable development of the socialist market economy, and vicious competition will eventually impose the consequences of monopoly on the rights and interests of consumers in the form of mandatory "choice of two" and "killing" by big data. To BAT (baidu, alibaba, tencent), for example, to get such big platform at the top of the blessing business show very obvious advantages, thanks to this kind of platform economic giant large user base and user viscosity, this makes a duopoly, or more oligarchic platform to all areas of economic enterprise comprehensive permeability abnormal smoothly. At the same time, the head platform attracts and consolidates the number of users by investing a large amount of capital to subsidize consumers, pushing emerging competitors out of the consumer market, constantly suppressing the living space of small and micro enterprises, and then infringing on the legitimate rights and interests of consumers through price increases and other ways. So, eventually, you will form "big but practically", even "big but cannot fail" platform economy giants, not only lead to the anomalous development of market economy and affect social benefits, but also produce systematic risks to affect the stability and security of our country's economic system and financial ecology.

However, strict law enforcement by administrative agencies to strangle monopolies including those in the platform economy has a relatively significant short-term effect, but in the long run, it is not profound. Such law enforcement methods are low in efficiency and high in cost, and "treat the symptoms rather than the root causes". It is necessary to have a fuller understanding of the regulation of monopoly behavior of platform economy and design a more perfect and reasonable normative system guided by more scientific theories. Therefore, it is necessary to take the necessity of regulation and the severity of risks as the logical starting point to clarify the problems and challenges of monopoly of platform economy at the theoretical level.

The necessity of curbing monopoly phenomenon in the field of platform economy

Internet platform the economic development of the rhythm and pace of the development of information technology and digital technology industry is almost entirely consistent, showing a clear accounts - "first half" by visiting the blazers "touch stone across the river", "second half" is made by the user resources and market resources to account for their first form an industrial scale "dominance". Start-up period in the early Internet industry, relying on extensive investment can pull a large user base, with a low cost of construction and technology implementation can be quickly converted into cash, but as the Internet penetration through half of the population threshold, start-up period of demographic dividend has disappeared, replaced by the "second half" the reality of competition and monopoly. The outstanding people in the golden age opened up

the platform economy era with the pioneering courage of Hongmeng, and harvested the extremely valuable market benefits and the amazing material benefits of data. The vibrant and free competition platform economy development environment is gone forever. During this period, the hierarchical market structure -- or hierarchical monopoly structure -- of the back-end industrial market supporting the front-end consumer market via the Internet platform has been established. At this point in time, entering the platform economy requires a high degree of professional and intellectual input. And innovative business models and platform structure optimization models to compete with oligopolies in the mature platform economy market. As the number of users on the platform peaks, monopolies emerge. Platform economic giant, has won the highly user base and viscosity, start with the number of users are turning to platform price guidance, with a "follow up not to fall" strategy and the abundant capital input prices flattening the cost of others, cause social information transaction costs rose sharply, finally damage the social equity and social efficiency, maximize the social welfare and economic growth. In addition, in order to pursue a large amount of data resources that can be controlled and analyzed, and to maximize the flow realization rate, platform economy enterprises may seek to maximize their own interests through discriminatory pricing, fixed-point delivery after locking up big data analysis, and the establishment of industry barriers, etc. This disorderly expansion affects network security and economic security.

As platform economy designs all fields of society, the horizontal merger and vertical penetration of oligopolies make the issue of anti-competition and monopoly not only the focal war between enterprises, but also closely related to all fields of society, and harm social justice and order.

First, the vertical structure of the platform economy is solidified, inhibiting the innovation and development of small and medium-sized enterprises. Innovation and competition are one of the most prominent features of the digital technology industry and the source of vitality of the platform economy market. However, once the preemptive platform enterprises occupy a large number of market shares, the overwhelming capital strength and competitive advantages can easily manipulate the market and eliminate competition. Small and medium-sized innovation platform enterprises face the comprehensive coverage of the market blockade, no longer have the opportunity and ability to stand out. With the solidified market structure and biased market rules, platform economy giants can easily enter various industries and sectors, swallow up or crowd out smes at a very low cost, leaving them with no entry qualification and no rival capital. The survival and development space of small and medium-sized enterprises is extremely compressed, and the situation of "one company is dominant" and "too big to fail" is constantly strengthened, which seriously affects the comprehensive, diversified and healthy development of the market environment of the platform economy. Platform economy giants make use of their far-reaching social influence and establish exclusive market injection rules, which make it difficult for emerging enterprises to step forward in the increasingly bad platform economy ecology. It is difficult to break through the industry "closed loop" that has been formed to maximize the interests of giants, and the market vitality is greatly reduced.

Second, the market environment of free competition no longer exists, endangering social well-being. The welfare of the development of digital information technology should be shared by consumers, producers and platform operators, which is not only in line with the external guidance of social equity, but also belongs to the internal requirements of the healthy development of the industry. However, the unfair competition be-

haviors carried out by the platform economy giants with their huge social influence will not only oppress the breeding and development of small and medium-sized enterprises, but also exert the negative influence of monopoly on consumers in the form of "one of two choices" and "big data kill". This new form of business appears to be "thriving", but in fact, it is damaging to the legitimate rights and interests of consumers and producers to choose and compete equally. Hinder economic giant platform using its social influence the implementation of the unreasonable means of commercial competition opponent to maximize their self-interest, the social surplus value should be enjoyed by consumers and producers in that part of being platform operator is a large amount of plunder, serious damage to the platform, the rights and interests of other stakeholders in the economic market, affect the social justice and social order.

Third, form industrial barriers to stifle digital technology innovation and progress. Innovation is the most prominent feature of the digital economy era, which is related to the trend and survival of the platform economy industry, and is the driving force for the further expansion and deepening of the social structure of digital information technology. On the one hand, platform companies tend to collect user data either under the table or by forcing users to sign unexplained data disclosure agreements without providing access to the platform, and treat the data as the platform's private property. Over-collection and over-exploitation of user data seriously underestimate the social value of data in the new business, affecting data security. On the other hand, platform enterprise giants use their acquired data assets, user base and corresponding social influence to establish a "closed loop" of industry ecology to consolidate their leading position, which is a bad guide to the principles of business behavior and the awareness of the rule of law in the industry. The innovative technologies, concepts and products of small and medium-sized enterprises are constantly excluded, suppressed, and finally plaged into a part of the market advantage of the platform economy giants, which greatly affects the enthusiasm of industrial innovation and hedge the incentives of national policies. The vitality of digital technology will become more and more weak in the "second half".

Such a law of development will happen in any new industry. While driving the progress of the industry, the giants will also adopt corresponding monopoly behavior to consolidate their position. The monopoly phenomenon, especially in the platform economy, has seriously affected the orderly development of the socialist market economy. Due to its penetration into all walks of life, it will have a very negative impact on social welfare, data security and industrial development. Therefore, this paper makes a specific analysis of the necessity of anti-monopoly in platform economy monopoly phenomenon, so as to understand its characteristics and crux and make further demonstration.

Antitrust in the field of platform economy should be based on the rule of law

The socialist market economy is essentially an economy under the rule of law. The rule of law policy requires that all social activities, including economic activities, be brought into the category of rule of law supervision, and specifically requires that laws and regulations be taken as the basic action guidelines for market economic activities. From the perspective of the current development status of platform economy, the anti-monopoly governance of platform economic ecology involves the regulation of Internet economic activities and even the governance of market behavior in the whole digital economy era. That is to say, guided by the requirements of rule-of-law economy, the development of platform economy industry must be carried out along the

track of socialist rule of law. This is not only a vivid embodiment of the principle of rule of law in line with social development, but also an inevitable requirement for the modernization of the governance capacity of the national governance system.

As mentioned above, taking the platform economy as an example, the digital economy industry must take science and technology as its blood and innovation as its driving force. The premise for the vigorous development of science and technology and innovation is that market subjects can participate in the competition effectively. Therefore, a free and equal market environment guaranteed by the rule of law is particularly important. The rule of law economy requires the formulation, implementation and continuous improvement of the competition law, especially the Anti-Monopoly Law. A sound legal framework is the institutional guarantee for the continuous prosperity of the market economy. It is undeniable that free competition is the essence of the prosperity of the market economy, and also the driving force for the platform economy industry to emerge from great prosperity to the present empire in such a short period of time. However, in today's society where the vertical structure of the platform economy tends to be stable, monopolistic tendencies to exclude and restrict competition are also surging in the undercurrent. Due to the lack of multi-link legal guidance, this negative market tendency will endogenously destroy the free and equal market competition order and the stable market operation mechanism under the rule of law, and this failure of the positive role of the market cannot be adjusted by the market itself. Restrain mechanism and correct market failure, therefore, need to have a clear specific basic follow the rule of law, the anti-monopoly law, for example the orderly development of market economy laws and regulations for the platform to provide legal support and guidance, maintenance of market main body, especially the small and medium-sized start-up founded from basic stability, competition at the end of the lawful rights and interests of the whole process, Preclude unfair competition in order to prevent the functional deficiency or limitation of market economy operation mechanism. The formulation and implementation of anti-monopoly and anti-unfair competition laws and regulations is a universal means for the state to regulate the market economy by macro-means. It is the internal requirement for the continuous improvement of the operating mechanism of the market economy to adapt to the new social forces. It is necessary and reasonable in the context of the vigorous development of the digital economy. Then, to establish and improve the foundation of the legal guarantee system for the development of platform economy, the following two dominant issues need to be clarified: the positioning of anti-monopoly in the governance of platform economy and the basic principles of its operation.

With a clear positioning, anti-monopoly should be applied as a comprehensive platform economic governance method, and it should be used as a means of compliance supervision or prevention in advance, compared with post-governance. Antitrust is a typical means of government intervention in the market, the purpose is to prevent and correct market mechanism failure to ensure economic security. Therefore, the rationality and legality of anti-monopoly application in the field of platform economy should be closely related to the purpose of market economy development, and tested in the operation practice of platform economy with the standard of social fairness and the protection of the interests of market subjects, and the judgment of public opinion should be avoided. In national governance capability and level of management under the background of modernization, with the iterative development of each field of each industry, transformation and upgrading of economic form, and highly integrated platform economy industry is a combination of industry, the double characteristics of economy innovation, the antitrust action in the field of lawmakers need to optimize manage-

ment thinking, rule of law enforcers sound means, judicial stick to the rule of law principle, The regulation of the current unfair competition behavior should consider the long-term interests, objectively recognize the function and dimension of anti-monopoly in the field of platform economy, focus on the practical development needs of the platform economy industry, and systematically govern the monopoly problem. Specifically, not only in accordance with the anti-monopoly law on the platform economy has already occurred in the field of ACTS of unfair competition, in accordance with the processing, but also to join the preventive measures, will work platform economy monopoly governance front, formation, including regulation, competition, the rules of economic antitrust integrated management system platform.

Antitrust in nature and it is a kind of in the laws and regulations to protect the market economic regulation tools, in the current economic climate the focus clearly prefer to correct, some scholars of the anti-monopoly law under the traditional economic background endowed with economic its reputation as the "constitution", and the "anti-monopoly law" on the platform in the field of economy has great expectations in the construction of the rule of law. However, the main purpose of anti-monopoly is to maintain orderly market competition order, create a healthy competition environment, and eliminate unfair competition behaviors to create a vibrant and dynamic competition pattern. To meet the above goals, error correction and correction alone are not enough, and prior compliance and operation supervision are indispensable. Obviously, the role and position of the Anti-Monopoly Law in the platform economy and even the whole socialist market economy have been endowed with excessive theoretical and practical value. Because the anti-monopoly law enforcers for monopoly behavior of deterrence is derived from the prohibitions imposed a severe punishment, and no normative rules to prevent monopoly behavior, there is no requirement for applying antitrust market main body self checking, compliance procedures and the lack of antitrust scrutiny in the running process leads to the anti-monopoly law regulation has obvious nachtraglichkeit. The anti-monopoly law has not formed its own relatively perfect regulation system, comparing it to the "constitution" economy clearly is not yet at that time, there is no empowerment or control system of power want to establish the maintenance market freedom equality and competitive system of anti-monopoly system management, needs to further improve the platform economic governance system, establishing and perfecting the antitrust prevention legal system, Make clear the position of anti-monopoly in platform economic governance -- a tool to prevent and stop it.

It is the basic rule of law for anti-monopoly in the field of platform economy to make clear the basic principles, identify the illegality of the market subject's behavior and analyze the competition damage. As stated earlier antitrust regulations lay particular stress on, rarely lead prevention measures, only when the platform enterprise in violation of the prohibitive provisions on the supervision and audit, conduct monopoly in the regulatory system of platform of the economy and legal need to platform behavior illegality damage analysis and competition analysis as the core, will as a platform of economic construction the basic principles of antitrust system. The analysis of illegality and competition damage is the key link to realize the linkage of legislation and market, which is directly related to the dynamic coordination of market pattern and legal structure. Under the new form of Internet economy, the identification and analysis of monopoly behavior in the field of platform economy should be based on the full cognition of digital economy, combined with the spirit of practical and realistic rule of law, and obtain reasonable analysis results with scientific analysis logic. This requires that the determination of monopoly behavior and the analysis of competition results in the field of platform economy should be based on the healthy and orderly development of market economy and fair and free

competition among market subjects, and the construction of the legal logic of platform economy governance should be more practical and right rational. "It is necessary to first find out whether the proposed regulation behavior harms competition". Based on this as the main line, the construction and subsequent arrangement of anti-monopoly in the field of platform economy are carried out. From the macro level, the determination of illegality and the analysis of competition damage are the basic criteria, which means the pursuit of "purportionality" and "regularity" of the rule of law. At the same time, the overall system design is inseparable from the analysis of specific market practice, and the analysis of specific damage consequences and practical experience at the micro level are equally important. In order to realize the organic unity of rule of law effect, market effect, economic effect and innovation effect, we should not emphasize the structure design and ignore the platform economy's own characteristics and practice status.

In short, fair and free competition environment is platform the necessity of continuous development and improve the economy and the digital economy, the rule of law, is the key to ensuring free competition, social justice, therefore establishing and perfecting the rules of the anti-monopoly law, digital technology, perfect platform economy antitrust prevention, supervision and regulation of multiple governance system, all need to build on the basis of the rule of law.

Conclusion

Digital technology enterprise team growing, platform of economy, trade and industry show in addition to the exuberant vitality, but in creating huge material wealth and social value, the platform of economy or Ming or dark monopoly to free competition in the market to have the serious ecological negative impact of the small and medium-sized enterprise survival environment is compressed, stimulation and innovation power has been damaged, The platform economy and even the digital economy are starting to lack of momentum, which affects social equity and welfare. Facing economic longitudinal structure curing platform, free competition market environment more walk more far, and platform of economic giants eager to form industry barriers to maintain the leading position, need on the basis of the rule of law, establish a sound throughout the compliance audit process, operation regulation, illegal punishment of multivariate legal standard management system, We will improve the anti-monopoly governance system in the field of platform economy by taking illegal identification and damage analysis as the main line, and ensure the more efficient and orderly development of platform economy.

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