

ANTITRUST REGULATION AS A TOOL FOR ENSURING SUSTAINABLE AND EQUITABLE COMPETITION IN THE DIGITAL ECONOMY

Babayeva Sabinabonu Davronbek qizi

Student of Group RIQ-3 Tashkent State Transport University

Department of Transport Economics Tel.: +998 50 500 25 40

E-mail: babaevas044@gmail.com

Abstract

This article explores the conceptual foundations and evolution of antitrust policy in the context of economic digitalization. It emphasizes the necessity of adapting traditional approaches to the regulation of market power due to the proliferation of digital platforms, which are characterized by strong network effects, access to vast datasets, and algorithmic advantages. Based on a comparative analysis of international practices in the European Union, the United States, China, Japan, India, and Russia, the paper identifies key features of contemporary antitrust regulation. Special attention is given to the institutional strengthening of competition authorities, the development of new indicators of market dominance, and the coordination of cross-border oversight mechanisms. The article concludes by substantiating the role of antitrust policy as a strategic instrument for sustainable and equitable digital development.

Keywords: Antitrust regulation, digital economy, market power, platform monopolies, competition policy, digital sovereignty, algorithmic pricing, international experience.

Introduction

Modern market economies are confronted with a fundamental contradiction between the tendency toward capital concentration and the imperative to ensure equal access to economic opportunities. Antitrust regulation, which originally emerged as a mechanism to protect competition from the excessive influence of dominant players, has acquired heightened relevance in the context of digitalization. The rapid advancement of technologies, the formation of global platform-based ecosystems, and the growing importance of intangible assets not only foster innovation but also give rise to new forms of market power that often elude traditional legal mechanisms of control.

Contemporary antitrust regulation is not merely a reactive mechanism addressing market abuses, but rather an active state policy aimed at preserving competitive environments, preventing institutional capture, and fostering innovation-driven development. Its primary objective is to ensure both structural and behavioral stability of markets, particularly in sectors characterized by a high degree of digital dependency. In this context, antitrust regulation is viewed as a comprehensive institution of economic policy that not only constrains monopolistic power, but also contributes to economic growth, social equity, and digital sovereignty.

Antitrust regulation encompasses a set of legal, economic, and institutional measures designed to safeguard competition, prevent abuse of dominant market positions, and prohibit anti-





competitive agreements. The theoretical foundation of this institution lies in the concept of perfect competition, an ideal market condition in which no single actor can unilaterally influence prices or the volume of supply. The emergence of antitrust policy dates back to the turn of the 19th and 20th centuries. The first formal antitrust provisions were established in the United States with the adoption of the Sherman Act (1890), which prohibited cartels and the abuse of market power. This framework was subsequently adopted in European countries, Japan, the BRICS nations, and numerous developing economies. However, the content and rigidity of antitrust regulation vary significantly across jurisdictions.

The legal structure of antitrust regulation comprises the following components:

- Substantive legal norms (prohibitions on agreements, abuses, and restrictions of competition);
- Procedural legal norms (procedures for investigations, evidence gathering, and appeals);
- Institutional mechanisms (establishment of antitrust authorities and procedural safeguards ensuring their independence).

At the current stage, competition policy must take into account the following challenges:

- The transformation of economic power (with data, algorithms, and ecosystems replacing physical capital);
- Network effects and platform dependency;
- The cross-border nature of digital markets.

This necessitates a rethinking of traditional approaches and an adaptation of antitrust norms to meet the challenges of the twenty-first century.

Antitrust policy in different countries has developed under the influence of historical, legal, and economic factors. As a result, several models of regulation have emerged, differing both in their legal foundations and in their institutional implementation.

The United States Model. The antitrust system of the United States is one of the oldest and most developed in the world. It is based on three key legislative acts: the Sherman Act (1890), the Clayton Act (1914), and the Federal Trade Commission Act (1914). This model is characterized by a strict behavioral approach: it is not market concentration itself that constitutes a violation, but rather the abuse of market power or the establishment of anti-competitive agreements. The “rule of reason” principle requires an economic analysis of each individual case. The main regulatory authorities—the Federal Trade Commission (FTC) and the Antitrust Division of the Department of Justice (DOJ)—possess significant autonomy.

The Continental European Model. In the countries of the European Union, antitrust law is based on the Treaty on the Functioning of the European Union, particularly Articles 101 and 102, which prohibit cartels and the abuse of a dominant position. In contrast to the American approach, the European Union places greater emphasis on the structural aspects of the market. The European Commission is empowered to conduct investigations, impose fines, and require the restructuring of companies. Particular attention is paid to the prohibition of exclusive agreements, restriction of market access, and concentration of data in the digital environment.

Since 2022, the Digital Markets Act (DMA) has been in force, aimed at preventing abuse by so-called “digital gatekeepers.”

The German Model. Germany’s antitrust policy has a long-standing tradition and combines strict requirements regarding market structure with a proactive role of the state. According to §§18–19 of the Act Against Restraints of Competition (GWB), a company with a market share exceeding 33% may be considered dominant. The German Federal Cartel Office (Bundeskartellamt) actively enforces merger control, particularly in sectors such as energy, telecommunications, and digital technologies.

The Model of Transition Economies (example: Russia). In the Russian Federation, antitrust policy began to develop actively in the early 1990s. The key legislative act is the Federal Law “On the Protection of Competition” No. 135-FZ of July 26, 2006. The law defines dominance as a market share exceeding 50%, although behavioral factors are also taken into account. The Federal Antimonopoly Service (FAS Russia) oversees mergers, cartels, and also exercises price regulation in several natural monopoly sectors. In response to the challenges of digitalization, amendments were proposed in 2021 to regulate the activities of digital platforms.

Asian Approaches. In Japan, antitrust legislation is governed by the Act on Prohibition of Unfair Competition and is enforced by the Japan Fair Trade Commission (JFTC). China, by contrast, integrates antitrust regulation with its industrial policy. The Anti-Monopoly Law of the People's Republic of China (2008) allows for the recognition of abuse even when the market share is below 50%, particularly when consumer interests are infringed or innovation is stifled.

Table 1 . Legal Thresholds for Market Dominance and Features of Antitrust Approaches in Selected Countries

| Country / Region | Dominance Threshold (Market Share) | Key Regulatory Approach |
|------------------|------------------------------------|--|
| United States | 70% | Behavioral analysis is applied; emphasis is placed on the actual impact on competition rather than solely on market structure |
| European Union | From 40% | Presumption of dominance above the threshold; main focus on market structure and entry barriers; enforced by the European Commission |
| Germany | From 33% | Dominant position is presumed upon reaching this threshold; strict merger control and access to markets are enforced |
| Russia | From 50% | Threshold is legally defined; both structural and behavioral characteristics are considered in assessment |
| China | From 50%, lower in some cases | Threshold may be lowered in cases of harm to consumers; combined with industrial policy and administrative intervention |
| Japan | Not formally defined | Emphasis on behavioral analysis and industry-specific context; flexible case-by-case approach based on market dynamics |

Antitrust regulation encompasses not only legal prohibitions but also a broad range of instruments that ensure the practical implementation of competition policy. These instruments can be conventionally divided into preventive, corrective, and institutional categories.

1. Preventive Instruments. Preventive antitrust regulation aims to preclude the formation of market power and prevent its concentration. The most common measures include:

1.1. Merger control: Public authorities are authorized to review and, if necessary, block mergers and acquisitions that may significantly restrict competition.

1.2. Assessment of market entry barriers: Support for new entrants (including small and medium-sized enterprises) to ensure a competitive environment.

1.3. Development of non-discriminatory access standards to infrastructure, which is particularly relevant in natural monopolies, logistics, and telecommunications sectors.

2. Corrective Measures. When a violation has already occurred, antitrust authorities impose sanctions and oblige the offending party to eliminate the consequences. Key mechanisms include:

2.1. Detection and suppression of anticompetitive agreements (cartels), including the use of leniency programs (voluntary disclosure in exchange for reduced penalties);

2.2. Recognition of abuse of dominant position (e.g., setting excessively high or low prices, refusal to supply, imposition of unfavorable conditions);

2.3. Imposition of structural and behavioral remedies: company divestiture, contract annulment, algorithmic adjustments on digital platforms;

2.4. Imposition of fines, which may reach up to 10% of the violator's annual turnover (in the European Union, Russia, and China).

3. Institutional Mechanisms. The effectiveness of antitrust regulation largely depends on the institutional framework and the independence of regulatory bodies. In practice, the following models are used:

3.1. Independent antitrust agencies (e.g., FTC, FAS, Bundeskartellamt) empowered to conduct investigations, issue orders, impose fines, and challenge corporate actions;

3.2. Judicial review and specialized arbitration bodies dealing with competition law violations;

3.3. Interagency and international cooperation — especially crucial in cross-border cartel cases or global platform mergers.

4. Specifics in the Digital Economy. Digitalization introduces new challenges:

4.1. Use of pricing algorithms and digital agreements that are difficult to qualify under existing legal frameworks;

4.2. Platform dependence: small players often cannot operate without access to the ecosystems of digital giants, leading to asymmetric competition;

4.3. Concentration of big data, which becomes a source of market power alongside capital and technology.

In response, new mechanisms are being introduced, such as ecosystem oversight, algorithmic behavior analysis, mandatory platform interoperability, and API openness requirements.

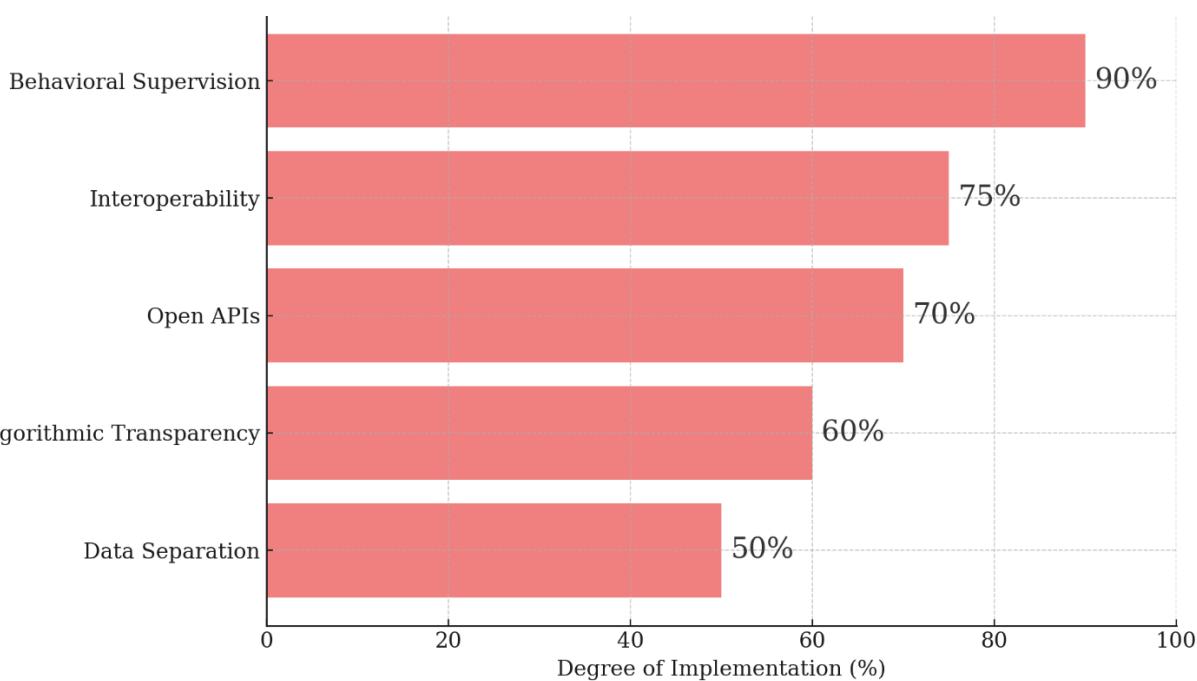


Figure 1. Contemporary Forms of Antitrust Intervention in Relation to Digital Platform Ecosystems.

Antitrust regulation serves not only as a mechanism for protecting competition but also emerges as a crucial component of sustainable economic development strategies. Its role extends beyond market efficiency, encompassing dimensions such as social equity, consumer rights protection, digital sovereignty, and institutional trust.

Ensuring Conditions for Sustainable Growth

Maintaining a competitive environment stimulates innovation, enhances productivity, and lowers barriers to market entry. These factors are fundamental to achieving sustainable growth, particularly amid the digital transformation of the economy. Antitrust measures help prevent excessive concentration of resources that can hinder the development of new market participants and technologies.

Enhancing Institutional Transparency

A competitive economy requires clear rules of the game, predictability of regulatory decisions, and accountability of major economic actors. Antitrust regulation contributes to the creation of a legal environment where institutional trust is fostered through:

1. the prevention of abuses of market power;
2. the guarantee of equal access to critical infrastructure;
3. the disclosure of key business practices, including algorithmic operations and data processing.

Supporting Small and Medium-Sized Enterprises

Small and medium-sized enterprises often find themselves in a vulnerable position in relation to dominant market players. Antitrust measures can include specific programs to ensure non-discriminatory access to platforms, service interoperability, reduced commission fees, technical support, and access to data. These actions contribute to a more equitable distribution of economic opportunities and the expansion of entrepreneurial activity.

Promoting Social Stability and Justice

Excessive market concentration can lead to increased inequality, reduced quality of services, and limited consumer choice. Antitrust regulation serves as a means of mitigating these negative effects, particularly in sensitive sectors such as healthcare, education, financial technology, and digital communications.

The International Dimension of Sustainability

In the context of globalization, antitrust policy becomes a component of foreign economic strategy aimed at protecting national interests and preventing the capture of domestic markets by transnational platforms. This is particularly important for developing countries seeking to preserve economic sovereignty under the dominance of global digital giants.

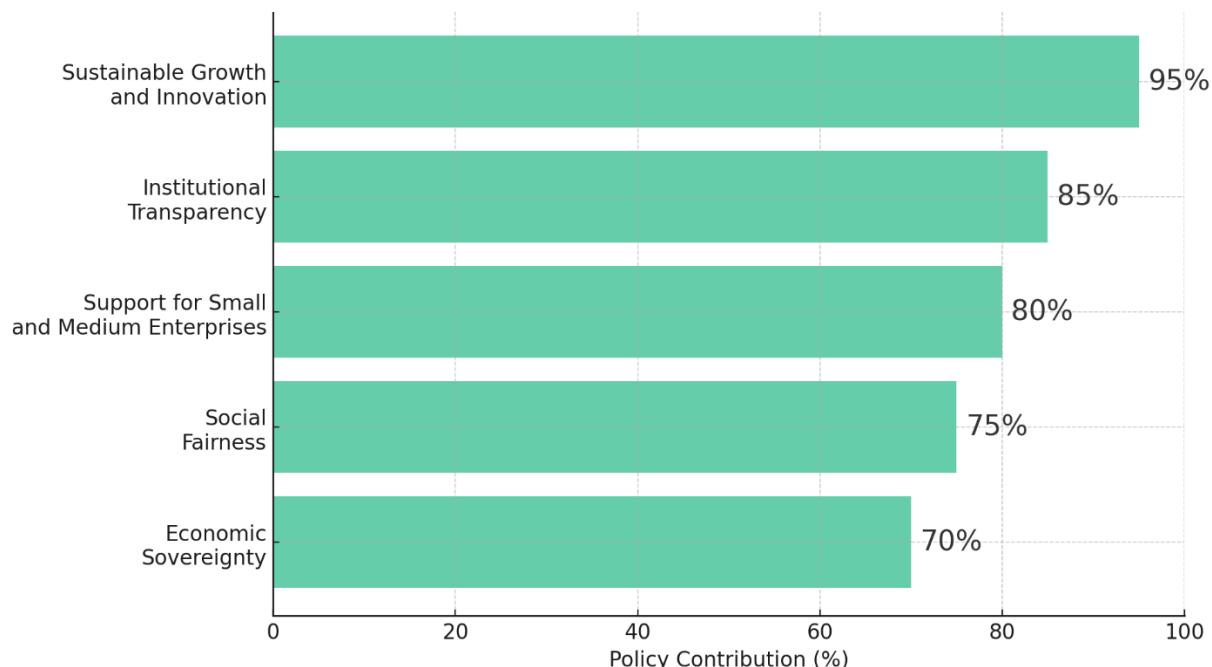


Figure 2 . The Directions of Antitrust Policy Influence on Sustainable Development and the Institutional Environment.

In the context of rapid digitalization of the global economy, antitrust regulation is acquiring strategically significant importance. The growing concentration of market power in the hands of a limited number of transnational digital platforms — possessing access to big data, cloud infrastructure, and ecosystem integration — necessitates the adaptation and modernization of



existing competition policy mechanisms. In this regard, the analysis of international experience is of particular theoretical and practical value for assessing the effectiveness of antitrust measures, their institutional nature, and cross-border applicability.

In the countries of the European Union, antitrust regulation is implemented both at the national and supranational levels, with active coordination by the European Commission.

The legal framework is based on Articles 101 and 102 of the Treaty on the Functioning of the European Union, which govern the prohibition of anti-competitive agreements and abuse of dominant position. European practice is characterized by a preventive and punitive approach, especially towards digital giants. A prominent example is the proceedings against Google, which resulted in multi-billion-euro fines for manipulating search results and restricting competition within the Android ecosystem.

To enable systemic transformation of competition regulation, the Digital Markets Act (DMA) was adopted, introducing strict rules for companies with the status of "digital gatekeepers" and establishing mechanisms to ensure access, interoperability, and non-discrimination.

In the United States of America, antitrust policy is built upon three fundamental legislative acts: the Sherman Act (1890), the Clayton Act (1914), and the Federal Trade Commission Act (1914). The main focus of the American model is on analyzing behavioral consequences for consumer welfare and economic efficiency. Since the beginning of the 21st century, growing attention has been paid to digital corporations such as Amazon, Apple, Meta (Facebook), and Alphabet (Google), against whom large-scale investigations have been initiated on matters including price discrimination, denial of platform access, unfair mergers, and exclusion of competitors. Unlike the EU, there is no formal threshold for recognizing dominance in the U.S., and decisions on sanctions are based on comprehensive legal and economic reasoning.

In the People's Republic of China, antitrust regulation has been actively developing since 2008 and is currently implemented by the State Administration for Market Regulation (SAMR). The Chinese approach is characterized by a combination of administrative intervention and market tools, where a market share exceeding 50 percent may be grounds for establishing dominance. In the context of digitalization, measures have been tightened against national platforms including Alibaba Group, Tencent, Meituan, and others. These measures have included the imposition of fines, restrictions on mergers, and regulation of pricing strategies. China demonstrates a clear desire to preserve the sovereignty of its digital economy while ensuring the sustainability of its internal competitive environment.

In Japan, antitrust regulation is carried out by the Japan Fair Trade Commission (JFTC), based on the Act on Prohibition of Private Monopolization and Maintenance of Fair Trade. A distinctive feature of the Japanese experience is the emphasis on behavioral aspects — the regulator focuses not on formal market shares but on analyzing potential threats to competition. The JFTC's toolkit includes not only formal investigations, but also recommendations, warnings, and voluntary commitments by companies to eliminate violations. This results in a more flexible, albeit less formalized, regulatory system.

In countries with emerging digital institutions — such as South Korea, India, Brazil, and other BRICS representatives — the role of antitrust authorities is becoming increasingly active. In South Korea, the Fair Trade Commission (KFTC) fined Google and Naver for restricting



competition and imposing conditions. In India, the Competition Commission of India (CCI) is developing new regulatory principles for e-commerce, fintech, and service aggregators. These countries face a dual challenge: on the one hand, to create conditions for the growth of national digital champions, and on the other, to prevent abuse of their market power.

A comparative analysis of international approaches to antitrust regulation of digital markets is presented in the following table:

Table 2 . Comparative Thresholds and Regulatory Approaches to Digital Platform Dominance in Selected Countries

| Country / Region | Threshold for Recognition of Dominant Position | Regulatory Approach to Digital Platforms |
|------------------|--|---|
| European Union | From 40% | Implementation of the Digital Markets Act (DMA), preventive oversight measures |
| United States | Not established | Assessment of market behavior, case-by-case approach, reliance on judicial precedents |
| China | From 50% | Administrative interventions, antitrust investigations, substantial fines |
| Japan | Behavioral analysis | Soft regulation: recommendations, sectoral guidelines, and self-regulation |
| India | 40% | Flexible approach: adaptive strategies based on market dynamics |
| Russia | From 50% | Mixed approach: formal threshold levels combined with market behavior analysis |

Modern digital markets are shaping a qualitatively new environment in which traditional principles of competition policy face a number of challenges. In the context of the rapid growth of the platform economy, artificial intelligence, big data processing, and algorithmic pricing, the effectiveness of classical antitrust regulation tools is significantly diminishing. There arises a pressing need to systematically reconsider the strategic priorities of regulation and to improve the institutional design.

One of the key problems is the asymmetry of information and the technological dominance of digital platforms, based on opaque algorithms, quasi-monopolistic control over user data, and scale effects unrestricted by geographical boundaries. Companies with monopoly access to data and user interfaces acquire not only market power but also the ability to influence political and social processes. This necessitates the formation of new approaches to defining market boundaries, identifying abuses, and ensuring an evidentiary framework.

The second challenge lies in the transnational nature of digital ecosystems. The largest technology corporations operate beyond national jurisdictions, complicating the coordination of antitrust measures. In this regard, the importance of international cooperation, harmonization of legal standards, cross-border data exchange, and the implementation of joint monitoring mechanisms is increasing. The development of the International Competition Network (ICN), cooperation within the OECD and BRICS frameworks, demonstrates positive steps toward global synchronization of antitrust policy.



The third direction is the need to reconsider the criteria for assessing market power. The traditional focus on price changes and supply volumes becomes ineffective in the digital economy, where monopolization can occur through control over infrastructure, API standards, user interfaces, and ecosystem closure. This leads to the necessity of developing new metrics, including a data access index, a platform dependence index, network effect indicators, and algorithmic bias scores..

Finally, an essential task is **the institutional strengthening of antitrust authorities.** It is necessary not only to expand their powers but also to transform competencies toward digital expertise: algorithm analysis, assessment of technical architectures, working with big data, cyber law, and digital forensics. It is also important to ensure personnel independence, protection from lobbying pressure, and sufficient funding.

In this context, antitrust policy becomes the core of digital sovereignty and sustainable development. Its advancement requires flexibility, scientific justification, and a proactive orientation. Countries that manage to adapt their regulation to new technological conditions gain not only competitive advantages but also institutional stability, trust from businesses and citizens, as well as resilience to global economic shocks.

In the era of digitalization, antitrust regulation acts as an integral element of the sustainable functioning of the market economy and the protection of its institutional integrity. The conducted analysis has demonstrated that the transformation of market structures toward digital platforms is accompanied by the emergence of new forms of monopolization based not on classical price control, but on the possession of data, algorithms, and network effects. This necessitates the modernization of regulatory mechanisms and the strengthening of the institutional capacity of antitrust bodies. International experience shows that the successful implementation of antitrust policy is only possible when the specifics of the digital environment are taken into account, legal instruments are flexible, procedures are transparent, and coordination is ensured at the global level. New forms of monopoly power require not only a legal but also a technological response — based on big data analytics, digital expertise, and interagency cooperation. For the Republic of Uzbekistan and other developing countries, the implementation of an integrated approach to regulating digital markets becomes highly relevant — one focused on protecting competition, supporting small and medium-sized enterprises, ensuring fair access to infrastructure and data, and building user trust. In this context, antitrust policy should be viewed not only as an economic measure, but also as a strategic element of digital development, social stability, and institutional resilience.

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