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Article

On the Legal Regulation of Involutionary Competition on E-commerce Platforms

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Abstract: In recent years, with the rapid growth of e-commerce platforms, the phenomenon of intense competition has become increasingly prominent. In particular, platforms have intensified involutionary competition with predatory characteristics by leveraging technological means such as big data, algorithms, and traffic allocation, which has had a severe impact on market order and consumers' rights and interests. Against the background of this "involutionary competition" on e-commerce platforms, this paper analyzes its current status, causes, and the necessity of legal regulation. By examining the current application of China's existing Law of the People's Republic of China Against Unfair Competition and related laws, the study finds that the existing legal framework has begun to respond to this emerging competitive model but still requires further refinement in terms of applicable standards, liability allocation, and enforcement mechanisms. To address this issue, the paper proposes specific recommendations, including improving China's legal system, optimizing judicial remedy mechanisms, and strengthening administrative oversight. Furthermore, drawing on international regulatory experiences in this field and taking into account the unique characteristics of China's e-commerce platforms, this paper proposes targeted improvement measures. Through this series of legal and policy optimizations, the aim is to create a fairer and more transparent competitive environment for China's e-commerce market and to promote the healthy development of e-commerce platforms.

Keywords: involutionary competition; e-commerce platforms; unfair competition; algorithmic governance; platform regulation

1. Introduction

With the rapid growth of e-commerce, particularly against the backdrop of the "Internet Plus" initiative, market competition on China's e-commerce platforms has become increasingly fierce. As of June 2022, the number of internet users in China had reached 1.051 billion, among whom 841 million were online shoppers [1]. With the application of big data and artificial intelligence technologies, the nature of competition among e-commerce platforms has undergone profound changes. Traditional competition based on products and prices has increasingly been reshaped by platform algorithms, traffic allocation, and "involutionary competition."

Involutionary competition refers to a vicious cycle of competition in which merchants on e-commerce platforms continuously lower prices—even at the expense of product quality—to vie for market share. This type of competition not only disrupts market order but also severely undermines the interests of both merchants and consumers [2]. Driven by big data and algorithms, platforms continuously drive down prices through supply-demand matching mechanisms, creating a vicious cycle of "low prices—low quality—even lower prices."

Furthermore, as market competition intensifies, e-commerce platforms have increasingly adopted exclusive dealing practices. By forcing merchants to choose a single platform for cooperation, they restrict merchants' freedom of choice and severely

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undermine market fairness [2]. Against this backdrop, how to maintain market order through effective legal regulation has become an urgent issue requiring resolution.

This study will explore the legal nature of "involutionary competition" on e-commerce platforms, its market impacts, and its relationship with traditional competition law. It aims to fill a gap in legal regulation within China's e-commerce sector and provide new research perspectives and theoretical frameworks for the field of competition law [2]. By analyzing the current application of the Law of the People's Republic of China Against Unfair Competition (hereinafter referred to as the "Anti-Unfair Competition Law") and related legislation in regulating "involutionary competition" among e-commerce platforms, this study proposes specific recommendations for improving laws and regulations. These recommendations will assist legislative bodies in better addressing emerging market challenges, help rectify the current environment of unfair competition in the e-commerce market, protect consumers' legitimate rights and interests, and promote the healthy and sustainable development of China's e-commerce industry.

2. Theoretical Foundation

2.1. Conceptual Clarification

The concept of "involution" was first developed in anthropology and later adapted in studies of Indonesia's agricultural economy to describe a phenomenon in which, within a resource-constrained environment, continuous labor input fails to yield a corresponding increase in overall returns [3]. This concept has been applied to the e-commerce sector to describe excessive competition among platforms and merchants vying for resources within a limited market space, which leads to reduced market efficiency, misallocation of resources, and a decline in overall benefits.

On e-commerce platforms, involutionary competition primarily manifests as platforms leveraging their advantages in rules and algorithms to force merchants to continuously lower prices, improve service quality, and even engage in false advertising to maintain competitiveness. While this form of competition may bring short-term increases in traffic and sales, in the long run, it can lead to squeezed profit margins for merchants, compromised consumer rights and interests, and market disorder [4].

Involutionary competition on e-commerce platforms includes, but is not limited to, price involution, service involution, advertising involution, and data involution. Under pressure from platform rules, merchants continuously lower product prices—sometimes even selling below cost—to compete for traffic and rankings, resulting in an unbalanced pricing system and a decline in the industry's overall profit margins. Platforms use review and rating algorithms and other means to require merchants to provide services beyond reasonable limits, such as unconditional returns and exchanges or excessive packaging, thereby increasing merchants' operational costs. To increase their visibility, merchants invest heavily in advertising, causing advertising costs to increase sharply; some merchants even fall into the predicament of incurring losses merely to gain visibility. Platforms allocate traffic to merchants through data-driven algorithms, forcing merchants to invest significant resources in data optimization to secure more traffic, thereby increasing operational costs.

While this involutionary competitive environment may boost sales and traffic in the short term, it risks eroding merchant profits, disrupting market order, and even triggering a crisis of consumer trust [1]. This vicious cycle, driven by platform dominance, severely disrupts a normal and healthy market environment. However, because involutionary competition manifests in diverse forms and is closely tied to platform rules, traditional laws and regulations struggle to address it effectively, resulting in regulatory lag.

2.2. Current Institutional Status

In China, the current legal framework for regulating involutionary competition on e-commerce platforms primarily relies on laws such as the Anti-Unfair Competition Law, the Electronic Commerce Law of the People's Republic of China (hereinafter referred to

as the "Electronic Commerce Law"), and the Anti-monopoly Law of the People's Republic of China (hereinafter referred to as the "Anti-monopoly Law"). These laws provide a basic legal basis for addressing unfair competition involving e-commerce platforms, but their practical application still faces numerous challenges [5].

Since its implementation, the Anti-Unfair Competition Law has provided preliminary regulation of unfair competition in the internet industry. For example, the law prohibits false or misleading commercial publicity, commercial defamation, and certain internet-related unfair competition conduct [6]. However, due to the unique nature of e-commerce platforms, the application of this law still faces difficulties, particularly regarding the operational standards for identifying "involutionary competition," the use of platform algorithms, and forced exclusivity practices.

Article 35 of the Electronic Commerce Law sets forth provisions on e-commerce platform operators, prohibiting them from using service agreements, transaction rules, technologies, or other means to impose unreasonable restrictions or conditions on transactions, transaction prices, or transactions with other business operators, or to charge unreasonable fees [7]. However, the law does not explicitly define the responsibilities and obligations of platforms in the context of "involutionary competition," resulting in platforms often being able to circumvent direct legal intervention during enforcement by adjusting algorithms and other means.

The Anti-monopoly Law, on the other hand, provides a regulatory framework to some extent for addressing market dominance and anti-competitive conduct by e-commerce platforms, offering legal grounds for regulating forced exclusivity practices where such conduct constitutes abuse of market dominance or otherwise falls within the scope of monopolistic conduct. However, due to the unique characteristics of competition within the e-commerce sector, the traditional anti-monopoly legal framework is difficult to apply fully, necessitating innovation in the determination of relevant markets and the assessment of market dominance [2].

2.3. Practical Challenges

The lack of platform accountability is a prominent challenge in addressing involutionary competition on e-commerce platforms. The current legal framework still lacks clarity regarding the responsibilities of e-commerce platforms. Against the backdrop of such involutionary competition, platforms influence merchants' competitive strategies through technical tools, traffic allocation, algorithmic recommendations, and data control [8]. Since platforms typically do not directly participate in transactions or pricing, their actual impact on the competitive order is easily overlooked, making it easier for them to avoid regulation under unfair competition rules. For example, by setting excessively high sales targets, traffic performance metrics, or campaign participation requirements, platforms compel or induce merchants to compete through price cuts, subsidies, and promotions. Current laws still require further clarification regarding the responsibilities of platforms as rule-makers and influencers of the competitive order, making it difficult to effectively protect the rights and interests of merchants and consumers.

The lack of practical standards for compensation for damages is a real challenge in the legal governance of involutionary competition on e-commerce platforms. Current laws lack clear provisions regarding damages caused by involutionary competition. In judicial practice, it is difficult to determine the scope of damages, establish causation, and calculate compensation amounts [1]. When merchants suffer losses due to price wars, traffic restrictions, or false advertising, they often face high evidentiary and litigation costs. Similarly, when consumers are harmed by misleading promotions or false low-price claims, it is difficult for them to prove specific losses. The lack of clear compensation standards makes it difficult for victims to obtain adequate relief.

Inadequate administrative oversight has undermined the effectiveness of governance over involutionary competition on e-commerce platforms [9]. Market regulation authorities face challenges such as difficulty in gathering evidence, identifying violations, and holding parties accountable when supervising platform algorithms, data usage, and

traffic allocation mechanisms. The opacity of platform algorithms makes it difficult for regulators to determine whether platforms are using algorithmic rules to induce merchants into low-price competition. Given the cross-regional nature of e-commerce platforms, cross-regional law enforcement often encounters issues such as unclear jurisdiction, high coordination costs, and inconsistent enforcement standards. Although the Anti-monopoly Law and the Electronic Commerce Law contain relevant provisions, specific application rules remain insufficiently detailed, resulting in limited enforcement effectiveness in regulatory practice.

Insufficient internal governance by e-commerce platforms makes it difficult to curb this vicious cycle of competition [10]. Platform self-regulation is largely concentrated on product listing reviews, information publication management, and transaction dispute resolution, with insufficient attention paid to competitive conduct among merchants. In the context of price wars, false promotions, fake reviews, and traffic competition, platforms often only address obvious violations after the fact and rarely intervene proactively to address imbalances in the competitive order. Existing laws still lack sufficient constraints on platform rule-making, traffic allocation, and algorithmic recommendations, and the dominant role of platforms in competition has not been effectively curbed.

The difficulty in identifying involutionary competition increases the challenge of legal regulation. Involutionary competition typically does not manifest as a single, direct violation of the law, but rather is shaped by the combined effects of platform rules, algorithmic ranking, traffic allocation, and merchants' competitive strategies [11]. Under pressure from rankings, promotional rules, and competition for traffic, merchants continuously lower prices, increase service costs, and ramp up promotional spending, creating a competitive environment characterized by low profits and high costs. Such conduct is covert and dynamic, making it difficult for traditional legal frameworks to accurately determine the nature of the conduct, the resulting harm, and the liable parties.

3. Comparative Analysis of International Experience

3.1. The U.S. Experience

Regulation of involutionary competition on e-commerce platforms in the United States primarily relies on antitrust laws and consumer protection rules. The Sherman Act, the Clayton Act, and the Federal Trade Commission Act provide the legal basis for addressing issues such as restraints of trade, exclusionary conduct, monopolistic conduct, and consumer harm. In recent years, the U.S. Federal Trade Commission, together with several state attorneys general, has filed antitrust lawsuits against Amazon, alleging that the company maintains its market power through anti-discounting policies, platform fees, and seller control mechanisms, thereby affecting third-party merchants' pricing freedom and consumer price levels. These cases demonstrate that U.S. law does not focus solely on whether a platform directly influences transaction prices, but also on the actual impact of platform rules on merchants' competitive conduct.

The American Innovation and Choice Online Act, proposed in 2021, reflects the U.S. legislative response to self-preferencing by large digital platforms. The bill aims to restrict covered platforms from leveraging their market position to favor their own products or services, discriminate against third-party merchants, or use non-public data to exclude competitors. Although the bill has not become law, its regulatory direction is closely linked to involutionary competition within e-commerce platforms and is particularly suitable for analyzing how platforms use traffic gateways, data advantages, and ranking algorithms to influence merchant competition [12].

In U.S. judicial practice, private litigation remains a key avenue for regulating platform competition. In December 2024, the U.S. District Court for the Western District of Washington granted in part and denied in part Amazon's motion to dismiss in the Zulily litigation, allowing certain antitrust issues concerning Amazon's anti-discounting practices to proceed while dismissing some claims without prejudice. Zulily alleges that

Amazon restricts third-party merchants from selling products at lower prices on other platforms, thereby harming cross-platform competition and driving up consumer prices. Although the court has not ruled on the merits of the case, the litigation demonstrates judicial willingness to examine the impact of platform anti-discounting policies on merchants' pricing freedom and the structure of market competition.

In August 2024, the U.S. Federal Trade Commission issued the Trade Regulation Rule on the Use of Consumer Reviews and Testimonials, which prohibits the sale or purchase of fake reviews and testimonials, the creation or dissemination of certain false reviews and testimonials, including those generated by AI, and insider reviews without proper disclosure. The rule also addresses practices such as review suppression and the misuse of fake indicators of social media influence [13]. Violators may face civil penalties, with the maximum civil penalty adjusted to $53,088 per violation for penalties assessed after January 17, 2025. This rule is directly relevant to the governance of fake transactions, fake positive reviews, and false endorsements on e-commerce platforms, and can serve as a reference for China in improving the governance of platform review systems.

The lesson for China from the U.S. experience is that the responsibility of e-commerce platforms should not be limited to direct transactional activities. When platforms influence merchants' business decisions through rules, algorithms, traffic allocation, and anti-discounting policies, they may already be substantially participating in the shaping of the competitive order. China can strengthen regulation of platforms' indirect restrictions on merchants' pricing, inducement of low-price competition, and tolerance of false reviews within the existing framework of the Anti-Unfair Competition Law, the Electronic Commerce Law, and the Anti-monopoly Law.

3.2. The German Experience

Germany addresses involutionary competition on e-commerce platforms through the Act against Restraints of Competition (GWB) and the EU Regulation (EU) 2022/1925 on contestable and fair markets in the digital sector, known as the Digital Markets Act [4]. Section 19a of the GWB empowers the German Federal Cartel Office to regulate undertakings of paramount significance for competition across markets, preventing them from exploiting their platform status to engage in self-preferencing, restrict business users' access to markets, or use their data advantages to suppress competitors. The Digital Markets Act targets large digital platforms designated as gatekeepers, prohibiting practices that restrict fair competition, such as self-preferencing. This regulatory framework is closely tied to how e-commerce platforms influence competition among merchants through rules, data, and traffic allocation.

In October 2025, the German Federal Cartel Office initiated an investigation into Whaleco Technology Limited, the operator of the Temu platform, to determine whether it imposed improper requirements on merchants' pricing strategies in the German market [2, 11]. Regulators considered that if a platform influences merchants' pricing across different sales channels through pricing requirements, it may restrict competition and potentially lead to price increases in other channels. Although the case remains under investigation and cannot be classified as a confirmed violation, it serves as a typical example of German competition enforcement focusing on platform pricing interventions.

The German Centre for Protection against Unfair Competition, also known as the Wettbewerbszentrale, has played a significant role in social oversight regarding the regulation of unfair competition [8]. It has previously investigated comparison and intermediary platforms, finding that over 70% of the platforms examined engaged in anti-competitive advertising practices, primarily involving misleading commercial conduct, insufficient ranking transparency, and inadequate information disclosure. This experience highlights that the regulation of competitive order on e-commerce platforms should not rely solely on administrative agencies; industry organizations and social oversight mechanisms can also address issues such as false claims, misleading advertisements, and distorted reviews.

Platform governance in Germany and at the EU level emphasizes transparency and traceability mechanisms. The EU Regulation (EU) 2022/2065 on a Single Market for Digital Services, referred to as the Digital Services Act, requires online platforms to establish clearer mechanisms for content governance, advertising transparency, recommender system transparency, and trader traceability. This provides an institutional foundation for addressing illegal goods, false information, and misleading content. For e-commerce platforms, this framework can enhance transparency regarding merchant identities, product information, and platform governance rules [7]. The governance of fake reviews is better addressed in conjunction with consumer protection and anti-unfair competition regulations rather than being solely attributed to the Digital Services Act.

Germany's experience offers valuable insights for China by expanding the scope of platform competition governance from individual merchants' illegal activities to the platform rules themselves. When platforms influence merchant competition through pricing requirements, search rankings, traffic allocation, or review mechanisms, regulatory authorities should examine whether their rule-setting undermines fair competition [13]. Building upon improved administrative oversight, China could involve industry associations, consumer organizations, and specialized institutions in platform governance to enhance the ability to identify false advertising, fake reviews, and platform pricing interventions.

4. Recommendations for Improving Legal Regulations on Involutionary Competition on E-Commerce Platforms in China

4.1. Improving Legislation to Regulate Involutionary Competition on E-Commerce Platforms

China's current regulations have begun to address the issue of involutionary price competition on e-commerce platforms. Article 14 of the Anti-Unfair Competition Law, as amended in 2025, stipulates that platform operators shall not compel or indirectly compel business operators on their platforms to sell goods below cost in accordance with their pricing rules, thereby disrupting the order of market competition. This provision already covers situations where platforms force or indirectly force merchants to sell at low prices through means such as "lowest price" requirements, promotional participation requirements, traffic incentives or restrictions, and search ranking adjustments. Legislative improvements should not merely add abstract provisions but should instead establish detailed rules centered on key elements such as "compelling or indirectly compelling," "below cost," and "disrupting the order of market competition."

"Involutionary competition" should not be directly enshrined in law as an independent category of unlawful conduct. As this concept has broad boundaries, incorporating it directly into the law could easily blur the distinction between normal price competition and unlawful low-price squeeze tactics. A more prudent approach would be to break it down into specific conduct such as platform-enforced low pricing, fabricated transactions, fake reviews, traffic discrimination, abuse of platform rules, and improper use of data [9, 13]. The Interim Provisions on Anti-Unfair Competition on the Internet have already included the fabrication of transaction volumes, the fabrication of user reviews, and cash rebates for positive reviews within the scope of regulation for online unfair competition. These provisions can serve as specific grounds for identifying "order padding" and "fake traffic" competition.

Platform rules should also be a focus of legislative attention. Article 35 of the Electronic Commerce Law already prohibits platforms from using service agreements, transaction rules, technologies, or other means to impose unreasonable restrictions or conditions on transactions, transaction prices, or transactions with other business operators, or to charge unreasonable fees. Subsequent rule refinements should concentrate on matters such as platform transaction rules, price assessments, promotional obligations, traffic allocation, and penalties or demotions, avoiding the use of impractical phrases such as "comprehensive supervision" or "all-around regulation."

4.2. Improving China's Judicial Framework for Regulating Involutionary Competition on E-Commerce Platforms

In cases involving involutionary competition on e-commerce platforms, courts should not restrict their examination to whether the platform directly participates in transactions or sets prices. Platforms influence merchants' operations through rules, algorithms, traffic allocation, and review mechanisms, which may also lead to the exclusion or restriction of competition or the disruption of competitive order. Judicial review should focus on three key aspects: whether the platform has the ability to control rules and traffic; whether it uses this ability to interfere with merchants' pricing or promotions; and whether this results in outcomes such as reduced merchant profits, distorted pricing, or misleading consumer choices.

Evidence rules must address the information asymmetry inherent in platform-related cases. Merchants and consumers often face challenges in obtaining backend data, algorithmic logic, and traffic allocation records. Courts may require platforms to submit relevant materials, such as versions of platform rules, campaign rules, search ranking guidelines, penalty records, and merchant appeal handling records. If a platform refuses to submit such materials or provides clearly incomplete records, the court may make an adverse finding based on existing evidence. The calculation of damages does not need to be absolutely precise; it may consider factors such as differences in sales revenue resulting from lower-priced sales, additional promotional costs, loss of traffic, platform deductions, and reasonable costs of rights protection.

Judicial remedies should not simply adopt the "class action" model. Under China's existing legal framework, more practical approaches include individual lawsuits by business operators, joint lawsuits, lawsuits supported by consumer organizations, consumer civil public interest litigation, and procuratorial public interest litigation. For cases involving a large number of merchants or consumers, the costs of rights protection can be reduced through guiding cases, model judgments, and public interest litigation, rather than creating a separate remedy model that deviates from the current litigation structure.

4.3. Improving Law Enforcement to Regulate Involutionary Competition on E-Commerce Platforms

Involutionary competition on e-commerce platforms should not be addressed by establishing a separate administrative agency. Under the existing system, market regulation authorities are responsible for enforcing laws related to unfair competition, price violations, false advertising, and violations involving platform rules, while cyberspace administration departments are responsible for coordinating the governance of algorithmic recommendation services, data, and online information content. The Provisions on the Administration of Algorithmic Recommendation for Internet Information Services also provide that the national cyberspace administration department is responsible for coordinating the governance of algorithmic recommendation services and related supervision and administration, while departments such as telecommunications, public security, and market regulation carry out supervision and administration in accordance with their respective duties. The focus of improving enforcement should be on specialized investigative teams and inter-departmental coordination mechanisms, rather than on restructuring the regulatory system.

Evidence collection for enforcement should center on platform rules. Whether a platform forces merchants to participate in promotional activities, induces low prices through traffic incentives, penalizes merchants who do not lower prices by adjusting search rankings, or intervenes in pricing through "lowest price" metrics—these factors better reflect competition issues than the price-cutting conduct of individual merchants. Rule texts, historical versions, campaign conditions, backend prompts, merchant appeal records, and price change data should constitute the primary materials for evidence collection.

Algorithm regulation should not be interpreted as "real-time monitoring of all platform activities." Since platform algorithms involve trade secrets, regulatory authorities may require platforms to explain ranking factors, recommendation logic, traffic allocation rules, and penalty trigger conditions relevant to the case. Enforcement personnel must possess the capabilities to review platform rules, retrieve data, identify fake reviews, and analyze price anomalies; training content should serve the needs of case handling, rather than merely remaining at the level of "digital economy capacity building" slogans.

4.4. Improving Social Oversight to Regulate Involutionary Competition on E-Commerce Platforms in China

The focus of social oversight should not be on simply increasing the intensity of supervision, but rather on ensuring that platform rules are accessible, retained, and traceable. The Electronic Commerce Law requires e-commerce platform operators to continuously display their platform service agreements and transaction rules, or links to such information, in prominent places on their homepages and primary webpages, and to ensure that on-platform business operators and consumers can conveniently and completely read and download them. Where platform service agreements or transaction rules are amended, public comments must be solicited in prominent places on the homepages and primary webpages, and the amended contents must be published at least seven days before implementation. When platforms make changes to rules regarding fees, promotions, traffic allocation, penalties, or account termination, they should retain historical versions, explain the reasons for the changes, and provide effective channels for appeals.

Industry associations should not be designated as regulatory bodies [4]. Their role should be limited to formulating self-regulatory standards, issuing compliance guidelines, collecting industry-related issues, and referring case clues to regulatory authorities. Complaints from consumers and merchants should also be converted into verifiable materials, such as order records, price screenshots, platform notifications, links to rules, backend prompts, review evidence, and appeal records. Simply establishing a "blacklist" is prone to inadvertently harming merchants and may also trigger disputes over reputation rights; it is preferable to publicly disclose administrative penalty information, typical cases, and platform rule assessment results in accordance with the law.

In summary, to address the vicious cycle of competition on e-commerce platforms, a distinction must be made between normal price competition and the price squeeze resulting from platform intervention [1, 3]. Legislation should specify types of conduct; the judiciary should address evidence asymmetry; law enforcement should focus on platform rules and data evidence; and social oversight should strengthen the transparency of rules and the conversion of complaints into actionable outcomes. This approach is more practical and less formulaic than the phrase "multi-stakeholder collaboration among legislative, judicial, administrative, and social sectors."

5. Conclusion

The complexity of competition on e-commerce platforms lies in the fact that competitive pressure does not always stem from spontaneous interactions among merchants, but is often embedded in platform rules, algorithmic rankings, traffic allocation, and data control. Legal regulation of "involutionary competition" must not be limited to a simple rejection of price-cutting competition, nor should it classify all forms of intense competition as illegal. What truly requires regulation is conduct in which platforms exploit their rule-making authority and technological advantages to continuously induce, compel, or tolerate merchants' engagement in irrational competition—such as price-cutting, false advertising, fake reviews, and excessive service commitments—thereby undermining fair competition and harming consumers' rights and interests.

Therefore, future institutional improvements should follow a path of conduct typification and specific liability: in legislation, the criteria for determining platform interference in competition should be refined; in the judiciary, the burden of proof for merchants and consumers should be appropriately alleviated; in law enforcement, scrutiny of platform rules, algorithmic mechanisms, and traffic allocation should be strengthened; and in social oversight, the transparency and traceability of platform rules should be enhanced. Only in this way can the law strike a balance between encouraging market vitality and preventing involutionary competition with predatory characteristics, thereby steering competition on e-commerce platforms back onto a healthy track centered on efficiency, quality, and authentic consumer experiences.

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