

GLOBAL TECH GIANTS AND THE NEW FACE OF ANTITRUST: A HUMAN RIGHTS PERSPECTIVE ON MARKET POWER AND DIGITAL INEQUALITY

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ABSTRACT

The dominance of global technology corporations—Google, Amazon, Meta, Apple, and Microsoft—has transformed the digital economy, fostering innovation but also consolidating market power in ways that challenge competition law and human rights. This article examines how their control over digital ecosystems, driven by network effects, data accumulation, and platform gatekeeping, perpetuates digital inequality, undermines consumer autonomy, and erodes fundamental rights such as privacy, freedom of expression, and equality. By analyzing antitrust enforcement in the United States, European Union, India, and other jurisdictions, alongside global scholarship, it critiques the limitations of traditional competition law frameworks, which prioritize economic efficiency over social justice. The article proposes a human rights-based antitrust model grounded in accountability, transparency, participation, and redress to address these multifaceted harms. Emphasizing the Global South's unique challenges, it advocates for global coordination, public alternatives, and civil society empowerment to foster a fair and inclusive digital economy. Through detailed case studies and policy recommendations, this study reimagines antitrust as a tool for digital justice, ensuring technological advancements serve human dignity and democratic values.

Keywords: Antitrust, Big Tech, Competition Law, Digital Markets, Human Rights, Digital Inequality, Privacy, Freedom of Expression, Algorithmic Bias, Platform Accountability, Global South, Digital Rights, Surveillance Capitalism, Consumer Autonomy, Digital Public Infrastructure

1. Introduction

The digital age has ushered in an era where global technology corporations—Google, Amazon, Meta, Apple, and Microsoft—exercise unprecedented control over economic, social, and political spheres. These firms dominate digital ecosystems through search engines, e-commerce platforms, social networks, and operating systems, shaping how individuals access information, connect, and transact. Their

innovations have expanded access to education, healthcare, and financial services, yet their market power raises critical concerns about monopolistic practices, data exploitation, and systemic inequalities. This article explores the intersection of international competition law and human rights, arguing that traditional antitrust frameworks, rooted in economic efficiency, are inadequate for addressing the complex harms of digital monopolies, including privacy violations, speech suppression, and digital exclusion.

The Global South, including nations like India, faces unique challenges due to limited regulatory capacity and digital divides that exacerbate inequalities. Drawing on antitrust developments in the United States, European Union, India, and other regions, as well as insights from global scholarship, this article critiques current regulatory approaches and proposes a human rights-based antitrust framework. This framework prioritizes accountability, transparency, participation, and redress to ensure digital equity and justice. By integrating theoretical insights, case studies, and policy recommendations, the article contributes to the discourse on global digital governance, emphasizing the need for a paradigm shift to protect human dignity in the digital economy.

2. The Nature of Market Power in the Digital Economy

2.1 Defining Digital Market Power

Digital market power diverges significantly from traditional monopolies, which rely on price control or output restriction. Tech giants leverage three core mechanisms: network effects, data accumulation, and platform control. Network effects create self-reinforcing loops, where platforms become more valuable as their user base grows, making competition nearly impossible. For example, WhatsApp's dominance in messaging stems from its vast user network, discouraging users from switching to alternatives due to the loss of connectivity with contacts.¹⁶⁰³

Data accumulation is a cornerstone of digital dominance. Tech firms collect extensive datasets from user interactions—every search, click, or purchase—enabling hyper-personalized services and targeted advertising. This data advantage creates formidable barriers to entry, as new entrants lack comparable datasets to compete effectively. Platform control, including vertical integration and self-preferencing, allows firms like Amazon and Google to act as

both market operators and competitors, prioritizing their own services over third parties. For instance, Amazon's promotion of its private-label products on its marketplace disadvantages third-party sellers, while Google's prioritization of Google Shopping in search results stifles competitors.

2.2 Features of Digital Dominance

Digital market power is characterized by a combination of network effects, data economies, vertical integration, self-preferencing, algorithmic control, and ecosystem lock-in. Platforms like Meta's Instagram or Google Search become exponentially more valuable as more users join, creating winner-take-all dynamics. Continuous data collection fuels predictive analytics, giving tech giants an informational edge that new entrants struggle to replicate. Companies like Apple achieve vertical integration by controlling hardware, software, and app ecosystems, which marginalizes competitors. Self-preferencing, such as Google's promotion of its own services, exemplifies anticompetitive behavior that limits consumer choice. Opaque algorithms wield significant control over content visibility, user behavior, and market access, often without accountability. Additionally, interconnected services, like Google's suite of apps, create ecosystem lock-in, fostering dependencies that deter users from switching platforms.

2.3 Consequences of Digital Dominance

The mechanisms of digital market power create profound structural imbalances that impact consumers, markets, and society. Network effects and ecosystem dependencies result in consumer lock-in, trapping users and limiting their choice and autonomy. The data and infrastructure advantages held by tech giants suppress innovation by stifling new entrants, reducing market dynamism. Small businesses and competitors face market exclusion due to self-preferencing and algorithmic biases, as exemplified by Amazon's treatment of third-party sellers. Digital inequality is exacerbated as platforms prioritize profitable, urban, English-

¹⁶⁰³ Ariel Ezrachi & Maurice E. Stucke, How Big-Tech Barons Smash Innovation—and How to Strike Back 61–64 (2022).

speaking users, widening divides in access and opportunity, particularly in the Global South. Furthermore, control over information flows and content moderation erodes democratic processes by influencing public discourse, posing significant threats to democracy.

2.4 Theoretical Perspectives on Digital Power

From a theoretical standpoint, digital market power can be analyzed through economic, sociological, and legal lenses:

- **Economic Perspective:** Network effects and data economies create natural monopolies, challenging traditional competition models.
- **Sociological Perspective:** Zuboff's (2019) concept of surveillance capitalism highlights how data-driven models exploit user behavior, reshaping social interactions.
- **Legal Perspective:** Traditional antitrust laws, rooted in industrial-era frameworks, struggle to address non-price harms like privacy and speech violations.

These perspectives underscore the need for a multidisciplinary approach to regulate digital markets effectively.

3. Global Antitrust Developments

3.1 United States

The U.S. has historically adhered to a consumer welfare standard, focusing on price-based harms. However, recent enforcement actions reflect a shift toward addressing non-price harms. The Federal Trade Commission (FTC) and Department of Justice (DOJ) have filed landmark lawsuits against Google for search dominance and Meta for anticompetitive acquisitions of Instagram and WhatsApp (DOJ v. Google, 2020). These cases highlight concerns about privacy erosion, reduced consumer choice, and market foreclosure. The proposed American Innovation and Choice Online Act aims to ban self-preferencing and platform discrimination. However, progress is

slowed by tech giants' extensive lobbying, which influences policy and delays enforcement. For example, Google and Meta spent over \$20 million on lobbying in 2022 alone, shaping legislative outcomes.¹⁶⁰⁴

3.2 European Union

The European Union has emerged as a global leader in digital antitrust enforcement. The Digital Markets Act (DMA), effective in 2023, designates "gatekeeper" platforms and imposes proactive obligations, including data portability, fair ranking, and bans on self-preferencing (Digital Markets Act, 2022). The General Data Protection Regulation (GDPR) complements the DMA by safeguarding user data, aligning competition law with fundamental rights. The EU has imposed fines exceeding €8 billion on Google for abuses in Android, search, and ad tech markets, emphasizing structural reforms over mere penalties¹⁶⁰⁵. The EU's approach integrates competition policy with digital fairness, offering a model for rights-based regulation. For instance, the €4.34 billion fine against Google for Android restrictions addressed how pre-installed apps limit user choice, setting a precedent for global enforcement.

3.3 India

In India, the Competition Commission of India (CCI) has taken significant steps against tech giants. Investigations into Google's dominance in Android and its payments ecosystem, as well as Amazon's preferential treatment of select sellers, highlight growing scrutiny (CCI, 2022). The proposed Digital Competition Bill, inspired by the DMA, seeks to regulate gatekeeper platforms, but enforcement faces challenges due to limited regulatory expertise, delays in

¹⁶⁰⁴ Lobbying Disclosure Act Database, U.S. Senate, *Lobbying Disclosure Reports*, 2022, <https://lda.senate.gov>.

¹⁶⁰⁵ Case AT.39740, Google Search (Shopping), Comm'n Decision, EUR-Lex (June 27, 2017), <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32017D1446>;
Case AT.40099, Google Android, Comm'n Decision, EUR-Lex (July 18, 2018), <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32018D0871>;
Case AT.40411, Google AdSense, Comm'n Decision, EUR-Lex (Mar. 20, 2019), <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32019D0217>.

legal processes, and fragmented frameworks. The Digital Personal Data Protection Act (2023) introduces privacy safeguards but lacks robust mechanisms to address data-driven monopolies. India's digital public infrastructure, such as the Unified Payments Interface (UPI) and Open Network for Digital Commerce (ONDC), offers potential for integrating open platforms with rights-based regulation, but privacy and inclusion concerns persist.

3.4 Other Jurisdictions

Global perspectives provide additional insights:

- **Australia:** The News Media Bargaining Code compels platforms like Google and Meta to share revenue with media outlets, addressing power imbalances in content markets. This model ensures fair compensation for content creators, balancing platform power with public interest.
- **South Africa:** Amendments to the Competition Act prioritize economic inclusion, tackling digital barriers for historically disadvantaged groups. This approach emphasizes social justice, offering lessons for other developing nations.
- **China:** Recent regulations on data security and platform monopolies reflect a state-driven approach, though with less focus on human rights compared to Western frameworks.
- **Brazil:** The Brazilian Competition Authority has investigated Google's ad tech practices, highlighting global concerns about data-driven dominance.

3.5 The Global Challenge

Despite these efforts, global antitrust enforcement remains fragmented. Tech giants operate transnationally, exploiting jurisdictional gaps through regulatory arbitrage. The absence of a unified international framework limits the effectiveness of national regulations. For example, a platform fined in the EU may shift

operations to less-regulated jurisdictions, undermining global enforcement. Multilateral forums like the WTO and G20 have limited jurisdiction over digital antitrust, necessitating new mechanisms for coordination.

4. Human Rights Implications of Tech Monopolies

The dominance of tech giants transforms antitrust into a human rights issue, impacting four key areas:

4.1 Right to Privacy

Tech firms' data-driven models rely on extensive data collection, often without informed consent, violating privacy rights under Article 12 of the Universal Declaration of Human Rights (UDHR) and India's Puttaswamy judgment. Shoshana Zuboff's concept of "surveillance capitalism" describes how data is monetized through behavioral targeting, ad auctions, and profiling, leading to risks like data breaches, identity theft, and election manipulation. In the Global South, low digital literacy exacerbates these violations, as users often accept complex terms of service without understanding their implications. For example, a 2021 data breach at Meta exposed the personal information of 533 million users, highlighting the global scale of privacy risks.¹⁶⁰⁶

4.2 Freedom of Expression

Social media platforms like Meta and YouTube function as modern public squares, yet their private ownership and algorithmic curation grant them disproportionate control over speech. Opaque content moderation practices, including shadow banning and AI-driven filtering, can suppress dissenting voices or amplify misinformation, undermining democratic discourse. For instance, during India's 2019 elections, reports of selective content moderation raised concerns about

¹⁶⁰⁶ Shoshana Zuboff, *The Age of Surveillance Capitalism: The Fight for a Human Future at the New Frontier of Power* 218–21 (2019); Aaron Holmes, *A Facebook Data Breach Exposed 533 Million Users' Phone Numbers and Personal Data*, *Business Insider* (Apr. 4, 2021), <https://www.businessinsider.com/facebook-data-breach-2021-4>.

political bias, illustrating the global impact on democratic processes.

4.3 Equality and Non-Discrimination

Algorithmic biases in AI tools perpetuate systemic inequalities. Studies have documented racial profiling in hiring algorithms, gender biases in advertising, and location-based exclusion in content delivery. In India, platforms prioritize English-speaking, urban users, marginalizing rural communities, non-English speakers, and persons with disabilities. This exacerbates the digital divide, undermining rights to equality and access enshrined in international and national frameworks. For example, a 2020 study found that Google's ad algorithms displayed fewer job opportunities to women, reflecting entrenched biases.

4.4 Lack of Redress

Users harmed by platform actions—such as unfair account suspensions, data misuse, or algorithmic demotion—often lack accessible grievance mechanisms. Unlike traditional sectors, tech platforms rarely offer clear due process, leaving users without remedies. This absence of redress renders rights theoretical, particularly for marginalized communities with limited legal recourse. For instance, small businesses on Amazon's marketplace have reported arbitrary delistings without appeal processes, highlighting the need for robust grievance systems.

4.5 Case Studies

- **India's Digital Divide:** The CCI's investigation into Google's Android dominance revealed how pre-installed apps and restrictive agreements limit user choice, disproportionately affecting low-income users reliant on affordable devices (CCI, 2022).
- **EU's Google Fines:** The EU's €4.34 billion fine against Google for Android restrictions addressed how platform control stifles competition and user autonomy, with implications for privacy and choice (Digital Markets Act, 2022).

- **Global South Vulnerabilities:** Oxfam's (2023) report notes that in Africa, limited regulatory capacity allows tech firms to exploit data without oversight, exacerbating economic and social disparities.
- **Content Moderation in Brazil:** During Brazil's 2022 elections, Meta's selective content moderation sparked debates about electoral interference, underscoring the global impact on free expression (Wu, 2018)

5. Limitations of Traditional Antitrust Frameworks

Traditional antitrust law, anchored in the consumer welfare standard, emphasizes price-based harms and market efficiency, but it is poorly equipped to address the complexities of digital markets where services appear "free" yet extract value through data collection and user lock-in. Its limitations include a narrow definition of harm that overlooks non-economic issues like privacy violations and speech suppression, as price-centric metrics fail to capture these impacts. Enforcement is often reactive, lagging behind rapidly evolving tech markets, which allows monopolies to solidify their dominance. Jurisdictional fragmentation complicates regulation, as national laws struggle to govern transnational tech firms, enabling regulatory arbitrage. Resource asymmetry further hampers developing nations, which lack the expertise and funding to effectively challenge tech giants. Additionally, the focus on economic efficiency ignores social justice concerns, such as digital exclusion and algorithmic bias. These shortcomings highlight the need for a paradigm shift toward a human rights-based antitrust approach that addresses both economic and social harms.

6. A Human Rights-Based Antitrust Framework

6.1 Redefining Harm

A human rights-based antitrust framework redefines harm to encompass non-economic impacts, aligning antitrust policy with the

protection of human dignity over mere market efficiency. This approach recognizes the loss of privacy through data exploitation and surveillance capitalism as a violation of user autonomy. Algorithmic curation and content moderation practices that suppress speech threaten democratic discourse. Digital exclusion, driven by platform biases, exacerbates inequalities, particularly in the Global South. Additionally, algorithmic discrimination embedded in AI systems undermines equality and non-discrimination principles. By prioritizing user rights, this framework addresses these broader societal harms.

6.2 Core Principles

The proposed human rights-based antitrust framework is built on four core principles: accountability, transparency, participation, and redress. Tech firms must be accountable, justifying their algorithms, data practices, and platform rules to both regulators and users. Transparency is critical, requiring public disclosure of algorithmic logic, data usage, and content moderation criteria to foster trust and ensure justice. Participation emphasizes the inclusion of marginalized communities, civil society, and digital rights advocates in policy-making to democratize digital governance. Finally, redress calls for independent oversight bodies with legal authority to provide clear and accessible grievance mechanisms, ensuring effective remedies for harms caused by digital platforms.

6.3 Implementation Strategies

To implement a human rights-based antitrust framework, several strategies can be employed. Human Rights Impact Assessments (HRIAs) should be mandated to evaluate the privacy, speech, and equality impacts of mergers or platforms before approval. Regular, independent algorithmic audits are essential to ensure fairness and transparency in platform operations. Promoting decentralized, open-source, and community-driven platforms can provide alternatives to Big Tech ecosystems,

fostering competition and user autonomy. A UN-led Digital Competition Treaty could establish global standards to harmonize regulations and prevent regulatory arbitrage by transnational firms. Capacity building through training and resources for regulators in developing nations is critical to strengthen enforcement capabilities. Additionally, public awareness campaigns should educate users about their digital rights and platform practices to promote informed consent and empower individuals in digital spaces.

6.4 Global Best Practices

Global best practices for a human rights-based antitrust framework include several notable examples. The EU's Digital Markets Act (DMA) and General Data Protection Regulation (GDPR) integrate competition and data protection, emphasizing structural reforms and user rights to curb digital market dominance. South Africa's Competition Act prioritizes inclusion and fairness, addressing digital barriers for marginalized groups to promote equitable access. India's digital infrastructure, exemplified by the Unified Payments Interface (UPI) and Open Network for Digital Commerce (ONDC), showcases the potential of public platforms to foster equitable access, provided they incorporate robust rights safeguards. Australia's Bargaining Code ensures fair revenue sharing, balancing platform power with public interest. Similarly, Singapore's Data Protection Framework combines privacy and competition policies, offering a model for integrated regulation that protects user rights while addressing market power.

7. Challenges in Enforcement

7.1 Regulatory Asymmetry

Developing nations, such as India, face significant challenges in enforcing a human rights-based antitrust framework due to regulatory asymmetry. Limited expertise in regulatory bodies hampers their ability to analyze complex digital markets, as they often lack the technical and legal capacity required. Funding constraints further exacerbate the

issue, with insufficient resources undermining enforcement efforts and litigation against well-funded tech firms. Additionally, jurisdictional gaps render national laws ineffective against transnational corporations, which exploit these gaps through forum shopping to evade accountability.

7.2 Lack of Global Coordination

The absence of a binding international framework allows tech giants to exploit regulatory inconsistencies. Multilateral forums like the WTO and G20 have limited jurisdiction over digital antitrust, complicating enforcement. Efforts like the G7's competition initiatives are promising but lack enforceable mechanisms.

7.3 Corporate Influence

Tech giants invest heavily in lobbying, shaping regulations to their advantage. Corporate philanthropy, such as Meta's digital literacy programs, often serves as a PR tool, blurring accountability. For example, Amazon's partnerships with governments for cloud services have raised concerns about regulatory capture¹⁶⁰⁷

7.4 Cultural and Contextual Challenges

In the Global South, cultural and linguistic diversity complicates regulation. Platforms often prioritize Western markets, neglecting local languages and accessibility needs, which deepens digital exclusion. In India, with 22 official languages and diverse user needs, tailored regulatory approaches are essential but currently lacking. Additionally, low digital literacy in rural areas increases vulnerability to data exploitation.

7.5 Technological Complexity

The rapid evolution of technologies like AI and blockchain outpaces regulatory frameworks, making enforcement reactive rather than proactive. Regulators struggle to understand complex algorithms, hindering effective oversight.

8. Policy Recommendations

To address these challenges, the following comprehensive recommendations are proposed:

8.1 Adopt Human Rights Impact Assessments (HRIAs)

To strengthen the human rights-based antitrust framework, regulators should mandate Human Rights Impact Assessments (HRIAs) for tech mergers, acquisitions, and platform operations. These assessments should evaluate impacts on privacy by scrutinizing data collection, storage, and usage practices to ensure compliance with international standards. They should also analyze content moderation policies and algorithmic biases to safeguard freedom of expression. Additionally, HRIAs must assess equality by examining access disparities, particularly for marginalized groups, to promote inclusion. They should further ensure that platforms serve diverse linguistic and socioeconomic communities to address digital divides. To maintain objectivity and public trust, HRIAs should be conducted by independent bodies.

8.2 Mandate Algorithmic Transparency

To advance a human rights-based antitrust framework, tech firms should be mandated to ensure algorithmic transparency through several key measures. They must disclose the logic behind algorithms used for content ranking, pricing, and visibility in clear, accessible formats to enable user and regulatory understanding. Additionally, firms should publish annual transparency reports detailing data usage, content moderation decisions, and compliance with regulations. Independent audits conducted by third-party experts are essential to verify fairness and accountability in these processes. Furthermore, implementing explainable AI systems is critical to demystify algorithmic decision-making, making it comprehensible and accountable to both users and regulators.

¹⁶⁰⁷ Lina M. Khan, Amazon's Antitrust Paradox, 126 Yale L.J. 710, 737–38 (2017).

8.3 Foster Cross-Border Cooperation

To strengthen the enforcement of a human rights-based antitrust framework, fostering cross-border cooperation is essential. A UN-led Digital Competition Treaty should be developed to establish global standards for platform regulation, focusing on data protection, competition, and human rights. Additionally, a cross-border task force of competition authorities should be created to share expertise, coordinate investigations, and prevent regulatory arbitrage by transnational firms. Leveraging existing frameworks such as the OECD, G20, and UNCTAD can promote harmonized policies and facilitate knowledge sharing among nations. Furthermore, creating a global database of antitrust cases would enable best practice sharing and ensure consistent enforcement across jurisdictions.

8.4 Invest in Public Alternatives

To counter the dominance of Big Tech and promote a human rights-based antitrust framework, investing in public alternatives is crucial. Supporting open-source, decentralized platforms like Mastodon can reduce dependence on centralized Big Tech ecosystems by offering viable social networking alternatives. Expanding digital public infrastructure, such as India's Unified Payments Interface (UPI) and Open Network for Digital Commerce (ONDC), with stringent rights safeguards, ensures inclusivity and accountability. Funding research and development for community-driven technologies that prioritize user control and data sovereignty is essential to empower users. Additionally, developing public-private partnerships can foster interoperable platforms that balance innovation with the public interest, creating a more equitable digital landscape.

8.5 Empower Civil Society

To advance a human rights-based antitrust framework, empowering civil society is essential. Providing funding for digital rights advocacy, algorithmic transparency research,

and user education programs can equip communities to hold tech firms accountable. Promoting community-based tech governance models, such as public forums and participatory mechanisms, ensures users have a voice in policy decisions. Establishing civil society networks to monitor platform practices and advocate for marginalized communities strengthens oversight and inclusivity. Additionally, supporting grassroots initiatives that develop localized digital solutions, like apps for non-English-speaking users, fosters equitable access and innovation tailored to diverse needs.

8.6 Strengthen Enforcement Mechanisms

To bolster a human rights-based antitrust framework, strengthening enforcement mechanisms is critical, particularly in developing nations. Enhancing regulatory capacity through training programs, international partnerships, and technical assistance equips regulators to tackle complex digital markets effectively. Establishing independent oversight bodies with legal authority to investigate violations, impose penalties, and enforce remedies ensures robust accountability. Introducing graduated penalties, such as fines, structural remedies like platform divestitures, and behavioral remedies like bans on self-preferencing, creates a flexible and impactful enforcement toolkit. Additionally, streamlining legal processes to minimize delays in enforcement and appeals is essential, especially in jurisdictions with limited resources, to ensure timely and effective regulation.

8.7 Address Global South Priorities

To address the priorities of the Global South within a human rights-based antitrust framework, tailored strategies are essential. Developing context-specific regulations that account for linguistic diversity, digital literacy, and socioeconomic disparities ensures relevance and effectiveness in diverse regions. Prioritizing accessibility features, such as multilingual interfaces and voice-based navigation, supports persons with disabilities

and non-English speakers, fostering inclusivity. Supporting capacity-building initiatives empowers local regulators, civil society, and small businesses to engage effectively with digital markets. Additionally, promoting digital literacy programs reduces vulnerabilities to data exploitation and enhances user autonomy, enabling individuals to navigate digital platforms with greater confidence and control.

8.8 Leverage Emerging Technologies

To enhance a human rights-based antitrust framework, leveraging emerging technologies can provide innovative solutions to address digital market challenges. Utilizing blockchain technology enables transparent data management, ensuring users retain control over their data and fostering trust in platform practices. Adopting AI-driven regulatory tools allows for real-time monitoring of platform compliance, effectively addressing the technological complexity of modern digital ecosystems. Additionally, encouraging interoperable standards promotes competition and user mobility across platforms, reducing ecosystem lock-in and empowering users to switch services seamlessly.

9. Case Studies in Implementation

9.1 India: Leveraging Digital Public Infrastructure

India's Unified Payments Interface (UPI) and Open Network for Digital Commerce (ONDC) demonstrate the potential of public platforms to foster competition and inclusion. UPI's open architecture has enabled millions to access digital payments, but its integration with private platforms raises privacy concerns. ONDC aims to democratize e-commerce by creating an open network, yet its success depends on robust governance to prevent monopolistic practices. A rights-based approach could ensure that such infrastructure prioritizes user autonomy, data protection, and equitable access, serving as a model for other nations. For example, integrating HRIAs into ONDC's

framework could address disparities in rural access.

9.2 EU: Structural Reforms via the DMA

The EU's Digital Markets Act (DMA) has set a global benchmark by targeting gatekeeper platforms with proactive obligations, such as data portability and bans on self-preferencing (Digital Markets Act, 2022). Its focus on structural reforms addresses both competition and human rights concerns, such as privacy and speech. However, its effectiveness depends on consistent enforcement and adaptation to emerging technologies like generative AI. The EU's €2.42 billion fine against Google for abusing its search dominance illustrates how penalties can deter anticompetitive behavior, but structural remedies are needed for lasting impact.

9.3 South Africa: Inclusion-Focused Antitrust

South Africa's Competition Act amendments emphasize economic inclusion, addressing digital barriers for historically disadvantaged groups. By prioritizing fairness over efficiency, South Africa offers a model for other Global South nations. For instance, its focus on access for rural and low-income communities could inform India's Digital Competition Bill, ensuring that regulations address local disparities.

9.4 Brazil: Balancing Competition and Democracy

Brazil's investigations into Google's ad tech practices and Meta's content moderation during the 2022 elections highlight the intersection of competition and democratic rights (Wu, 2018). These cases underscore the need for integrated frameworks that address both market power and human rights, particularly in politically sensitive contexts. Brazil's approach could inspire similar efforts in other emerging democracies.

9.5 Australia: Media Bargaining Code

Australia's News Media Bargaining Code compels platforms to share revenue with media outlets, addressing power imbalances in

content markets. This model demonstrates how targeted regulations can protect public interest sectors, offering lessons for jurisdictions seeking to balance platform power with societal needs.

10. Theoretical and Practical Implications

10.1 Theoretical Contributions

This article contributes to antitrust scholarship by integrating human rights principles into competition law, expanding the consumer welfare standard to include non-economic harms. It draws on Zuboff's (2019) surveillance capitalism framework to highlight data-driven exploitation and Wu's (2018) analysis of platform power to underscore democratic risks. By proposing a multidisciplinary approach—combining economic, sociological, and legal perspectives—it offers a novel lens for understanding digital markets.

10.2 Practical Implications

The proposed human rights-based antitrust framework offers practical strategies for regulators to address digital market challenges effectively. Policy design can leverage Human Rights Impact Assessments (HRIAs) and algorithmic audits as concrete tools to evaluate platform impacts on privacy, speech, and equality. Global cooperation through a UN-led Digital Competition Treaty can harmonize standards, reducing regulatory fragmentation and preventing arbitrage by transnational firms. Investing in public infrastructure, such as open-source and decentralized platforms, counters Big Tech dominance, fostering competition and inclusion. Empowering civil society by engaging users and advocates ensures that policies reflect diverse needs, particularly in the Global South, promoting equitable and inclusive digital governance.

10.3 Challenges to Implementation

Implementing a human rights-based antitrust framework encounters several challenges. Resistance from tech giants, through corporate lobbying and legal challenges, may significantly delay or obstruct reforms. Resource constraints pose a major hurdle, as developing nations

require substantial investment to build regulatory capacity and expertise. Technological complexity further complicates enforcement, as regulators must stay abreast of rapidly evolving innovations like AI and blockchain. Additionally, cultural sensitivities demand careful consideration, requiring policies to balance global standards with local contexts, especially in diverse regions like India, to ensure relevance and acceptance.

II. Conclusion

The dominance of global tech giants presents a multifaceted challenge to competition law, human rights, and digital equity. Their market power, driven by network effects, data economies, and platform control, perpetuates systemic harms—privacy violations, speech suppression, algorithmic discrimination, and lack of redress—that traditional antitrust frameworks cannot address. These harms are particularly acute in the Global South, where digital divides and limited regulatory capacity exacerbate inequalities.

A human rights-based antitrust framework, grounded in accountability, transparency, participation, and redress, offers a path to rebalance power in the digital economy. By integrating global best practices, fostering international cooperation, and investing in public alternatives, regulators can ensure that digital markets serve the public interest. In India and other developing nations, context-specific policies and civil society empowerment are critical to achieving digital justice.

The fight against digital monopolies is not just about competition; it is about protecting democracy, fostering inclusion, and upholding human dignity. As tech giants continue to shape our digital future, the time to act is now—before the digital divide becomes irreversible. A rights-based antitrust model is not only a regulatory necessity but a moral imperative for a fair, equitable, and inclusive digital world.

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