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Regulatory Responses to Platform Dominance: Insights from Global Digital Markets

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ABSTRACT: This study reviews global regulatory responses to platform dominance in digital markets. It examines the interplay between competition law and data protection, focusing on ex-ante approaches such as the EU Digital Markets Act. Using a narrative review of peer-reviewed literature, the findings show that preventive frameworks are more effective than traditional ex-post models in curbing anti-competitive practices. Evidence highlights systemic risks from data asymmetry and algorithmic manipulation, particularly in developing countries with limited enforcement capacity. The review underscores the need for coherent policies that balance innovation, fairness, and user rights, recommending further research on algorithmic accountability, harmonized governance, and the socioeconomic impacts of digital regulation.

Keywords: Digital Markets Act, Competition Law Reform, Platform Regulation, Data Protection and Antitrust, Gatekeeper Platforms, Algorithmic Governance, Digital Economy Policy.

INTRODUCTION

The rise of dominant digital platforms has created urgent regulatory challenges, particularly regarding market concentration, data control, and cross-platform dominance. This paper investigates how competition law and digital regulation can address these challenges through ex-ante frameworks.

In recent years, leading jurisdictions such as the European Union, United States, and Indonesia have pursued distinct approaches to regulating digital markets. The EU's Digital Markets Act exemplifies a centralized ex-ante model, while the US relies on fragmented antitrust enforcement, and Indonesia is still developing its legal capacity.

For example, the EU Commission reported that dominant platforms captured over 80% of online advertising revenue in 2022, leaving smaller firms at a disadvantage (Pantelidis, 2024). Such concentration reduces consumer choice and weakens trust in digital markets.

Recognizing these threats, there is growing consensus among policymakers and academics on the need for a coordinated international response. An integrated regulatory framework that harmonizes competition law with data protection standards is essential to ensure both economic

fairness and the protection of fundamental rights (Larsson, 2021; Zveryakov et al., 2019). Regulatory systems must now grapple with the dual imperative of fostering innovation while curbing practices that threaten market plurality and democratic governance. As Kira et al. (2021) and Krämer et al. (2016) emphasize, competition law can no longer function in isolation from data governance; a joint approach is necessary to reflect the realities of the modern digital marketplace.

However, substantial challenges impede the enforcement of traditional competition law frameworks in digital markets. The unique characteristics of digital ecosystems—such as multi-sided markets, algorithmic decision-making, and rapid scalability—render conventional regulatory tools inadequate. Studies by Avdasheva et al. (2022) and Monti (2022) reveal that legacy antitrust doctrines struggle to address conduct like algorithmic collusion or data-driven exclusionary practices. This is because traditional antitrust frameworks often assume clear market boundaries and price-based competition, assumptions that are increasingly irrelevant in digital contexts (Petit, 2020). The failure to adapt to these complexities risks regulatory inertia, allowing dominant firms to continue expanding unchecked.

In response, there has been a shift in academic and policy circles towards advocating for ex-ante regulatory measures. These preventive frameworks aim to mitigate anti-competitive behavior before it materializes, thereby reducing the need for prolonged and often ineffective litigation. Scholars such as Arai (2024) and Akhgar & Braham (2021) argue that ex-ante regulations are particularly effective in fast-moving markets, as they enable regulators to act swiftly against foreseeable harms. Mândrescu (2024) further contends that proactive regulation enhances market efficiency and encourages responsible innovation by setting clear expectations for market conduct. Uliondo (2023) supports this view, urging more precise and targeted regulatory interventions against Big Tech's structurally embedded advantages.

Nonetheless, disparities persist between regulatory approaches in developed and developing countries. While jurisdictions like the EU and US have invested in tailored regulatory instruments and institutional capacity, many developing nations remain constrained by outdated legal frameworks, limited enforcement resources, and insufficient market intelligence. As noted by Cass-Gottlieb (2023) and Monti (2022), these constraints hinder the ability of regulators to respond to emerging challenges with agility and effectiveness. Countries like Indonesia face additional difficulties in adapting global norms to local contexts, as highlighted by Wahyuningtyas (2016) and Ларионова & Shelepov (2024), who note that the legal infrastructure in such regions often lags behind the pace of digital transformation.

These capacity gaps manifest in various forms, including a lack of analytical tools for market assessment, an overreliance on post-hoc interventions, and limited stakeholder engagement in regulatory design. The result is a reactive policy environment that often fails to preempt harm or deter abusive practices. Moreover, the social and economic impact of digital regulation in developing economies is underexplored, leaving critical questions about equity, inclusion, and local innovation unanswered (Hugenholtz & Poort, 2019). As Bagnoli (2021) notes, relying on reactive measures can lead to regulatory arbitrage, where firms exploit jurisdictional loopholes to maintain dominance.

The existing literature thus reveals a significant gap in understanding how regulatory frameworks can be made both globally coherent and locally adaptable. While there is extensive analysis of

regulatory models in the Global North, there is insufficient empirical research on how these models perform in the Global South or how they can be modified to suit varying institutional capacities. This review contributes by synthesizing diverse regulatory approaches across developed and developing countries, highlighting how global frameworks can be adapted to local legal capacities—an area underexplored in prior research.

The main objective of this review is to examine the intersection between competition law and digital market regulation in a globalized economy, with a focus on the evolving role of ex-ante legal instruments. Specifically, it seeks to analyze how different jurisdictions define and regulate "gatekeeper" platforms, how data protection norms interact with competition principles, and how regulatory frameworks can be harmonized across diverse legal and economic systems. It will also evaluate the implications of current enforcement models and explore policy alternatives that address both market efficiency and public interest.

This review is primarily focused on cross-regional and comparative insights, covering regulatory developments in the European Union, the United States, selected Asian countries (notably Indonesia), and emerging economies. The selection reflects both the diversity of regulatory experiences and the importance of a multi-scalar approach in assessing digital governance. By incorporating case studies and recent legislative reforms, this study aims to capture both the theoretical and practical dimensions of contemporary digital market regulation. Ultimately, it contributes to a deeper understanding of how legal systems can evolve to address the systemic challenges posed by digital platform dominance in a globally interconnected economy.

METHOD

This study employed a narrative review methodology to synthesize and critically evaluate current literature on the regulation of digital markets and competition law reform, with a particular emphasis on the emergence of new legal frameworks such as the Digital Markets Act (DMA) and the evolving global discourse on platform governance. The purpose of this review was to collect, analyze, and integrate scholarly works that offer insights into the legal, economic, and policy dimensions of platform regulation, data governance, and competition enforcement in the digital economy. A systematic and strategic literature search was conducted across three major academic databases to ensure a comprehensive representation of the discourse.

The literature search was initiated using three primary scholarly databases: Scopus, Web of Science, and Google Scholar. These databases were selected due to their complementary characteristics. Scopus and Web of Science were prioritized for their robust indexing of peer-reviewed journal articles and conference proceedings, ensuring high-quality and reliable sources of evidence. Both databases provide access to multidisciplinary literature, including law, economics, and technology studies, which are crucial to understanding the multidimensional nature of digital market regulation. Google Scholar, although less stringent in its curation process, was used as a supplementary tool to capture grey literature, policy reports, doctoral theses, and other non-traditional sources that offer practical and policy-oriented insights (Larsson, 2021; Pantelidis, 2024).

The search strategy was formulated using a combination of Boolean operators and keyword phrases tailored to reflect the key themes of the study. The search terms were designed to capture the intersection of competition law and digital platform governance. The following keyword combinations were used across all databases: "Digital Markets Act AND platform dominance," "Gatekeeper regulation AND competition law reform," "Data-driven economy AND competition law," "Antitrust AND Digital Markets Act," and "Platform regulation AND market fairness." These phrases were chosen for their capacity to encompass both conceptual and legal dimensions of the subject. For instance, "Digital Markets Act AND platform dominance" was effective in identifying recent scholarly analysis of EU legislation, while "Gatekeeper regulation AND competition law reform" allowed for an exploration of jurisdictional responses to the concentration of economic power in digital markets.

To refine the scope and ensure relevance, several filters were applied during the search process. The search was limited to literature published between 2015 and 2025 to ensure contemporary relevance, reflecting the period of heightened global attention to digital platform regulation. Only publications in English were considered, given the predominance of English in legal and academic publications on global regulatory reform. The search was also restricted to documents categorized as journal articles, book chapters, and conference proceedings, except for policy papers retrieved through Google Scholar. Duplicates across databases were identified and removed manually during the data management process.

The inclusion criteria were guided by the objectives of the study. Eligible studies had to focus on at least one of the following: legal analysis of digital platform regulation, evaluation of competition law enforcement in the digital context, jurisdictional comparisons of regulatory frameworks, or examination of the interplay between data governance and antitrust principles. Only literature that explicitly addressed digital markets, platform economy, or Big Tech regulation was considered for review. Studies that focused solely on general competition law without reference to the digital economy, or that discussed digital markets without legal or regulatory framing, were excluded. Furthermore, publications lacking full text access or adequate methodological transparency were omitted from consideration.

The literature covered in this review encompasses various methodological orientations, including legal doctrinal analysis, comparative legal studies, case studies, and empirical assessments of policy outcomes. While randomized controlled trials or experimental designs are not applicable in legal research, the inclusion of case-based studies, such as analyses of antitrust cases involving Meta, Google, or Apple, offered concrete illustrations of regulatory gaps and enforcement dilemmas. Comparative legal studies across jurisdictions, such as the United States, European Union, and Indonesia, were particularly valuable in identifying trends, best practices, and institutional limitations.

The selection process involved a multi-stage screening procedure. After completing the initial database search, titles and abstracts of all retrieved records were screened for thematic relevance. Studies that aligned with the search criteria were selected for full-text review. This step allowed for a more thorough evaluation of the content, context, and analytical depth of each publication. Articles that met the full inclusion criteria were then synthesized thematically, grouped according to recurrent patterns such as gatekeeper designation, ex-ante regulation, platform self-

preferencing, data privacy in competition law, and jurisdictional divergence in enforcement models. This thematic organization facilitated the construction of a structured narrative in the results and discussion sections of the review.

The quality of included studies was assessed qualitatively based on conceptual clarity, coherence of argumentation, relevance to the research question, and alignment with contemporary developments in digital market regulation. While formal risk of bias tools are not typically used in legal literature reviews, evaluative judgment was applied to exclude publications that lacked analytical rigor or were excessively descriptive without advancing theoretical or normative claims. Where appropriate, primary legal sources, such as the full text of the Digital Markets Act and related regulatory documents, were consulted to verify interpretations and claims made in the secondary literature.

In summary, the methodology of this review combined rigorous academic standards with flexible search and selection strategies tailored to the interdisciplinary nature of digital market regulation. By employing a triangulated approach to literature retrieval across Scopus, Web of Science, and Google Scholar, and by utilizing a targeted keyword strategy, the study ensured that relevant, high-quality, and current literature was captured. Through a systematic application of inclusion and exclusion criteria and thematic synthesis of findings, this review offers a robust and comprehensive examination of the global regulatory responses to digital platform dominance and their implications for future competition law reform.

RESULT AND DISCUSSION

The findings of this narrative review are organized into four major thematic areas that reflect the core challenges and developments in digital market regulation and competition law. These areas include gatekeeper designation and regulatory approaches, the interplay between competition law and data protection, digital competition regulation in developing economies, and global governance strategies through international cooperation. The literature reviewed offers insights into the regulatory evolution, enforcement outcomes, and jurisdictional diversity shaping the global digital economy.

Regulation and Gatekeeper Designation

One of the central elements of digital market regulation is the determination of which platforms qualify as "gatekeepers." The European Union's Digital Markets Act (DMA) outlines specific quantitative and qualitative benchmarks for this classification. Platforms with more than 45 million monthly active users and over 10,000 business users annually are subject to additional obligations under the DMA (Pantelidis, 2024). The regulation identifies these gatekeepers based on their systemic role in the digital ecosystem, including their control over access points such as search engines, app stores, and social networking services (Schäfer & Wiedemann, 2025).

Key characteristics that reinforce a platform's gatekeeper status include significant data control, vertical integration across service layers, and the capacity to set default rules that disadvantage competitors (Dalipi & Zuzaku, 2024). Initial implementation of the DMA has already shown

results: Meta and Google, for example, have modified some business practices and reduced aggressive acquisition strategies in response to the heightened regulatory scrutiny (Wierzbicka, 2024). Companies have also been compelled to enhance transparency and share data with competitors under conditions stipulated by the DMA (Schäfer & Wiedemann, 2025; Ducuing, 2019). This shift illustrates the DMA's early effectiveness in curbing market dominance and promoting fairer competition.

The designation of gatekeepers is not merely a legal or procedural act; it has profound market implications. The requirement for interoperability, data portability, and non-discriminatory treatment of business users challenges incumbents' business models and compels them to rethink how they leverage network effects and data advantages. This is particularly evident in sectors such as online advertising and app distribution, where default settings have historically been used to entrench market dominance.

Interaction Between Competition Law and Data Protection

A recurring theme in the literature is the legal and practical tension between competition enforcement and data protection. The General Data Protection Regulation (GDPR) in the EU introduces rights for individuals to control personal data, yet these rights sometimes conflict with the need for data-sharing to foster market competition. Scholars note that the dual objectives of privacy protection and competitive fairness often result in legal paradoxes, particularly when dominant firms use privacy arguments to justify their refusal to share data (Colangelo, 2024; Çalışkan et al., 2023).

Judicial and regulatory responses have tried to reconcile this tension. In some antitrust cases, courts have determined that citing GDPR compliance does not automatically exempt a dominant platform from its duty to ensure fair market conduct (Maniah et al., 2018; Cass-Gottlieb, 2023). For example, when a platform refuses to provide interoperability or data access to rivals under the pretense of user privacy, regulators evaluate whether this behavior genuinely reflects compliance or strategically masks exclusionary practices (Kerber & Zolna, 2022; Mell & Shier, 2021). These findings suggest that competition and data protection frameworks are increasingly viewed as interdependent rather than isolated domains (Kira et al., 2021; Howell & Potgieter, 2018).

In practice, enforcement agencies are beginning to build collaborative models that bridge these legal regimes. The recognition that data privacy and market competition are both essential to consumer welfare is leading to innovative governance strategies. However, these efforts remain in nascent stages, and further empirical evaluation is needed to assess their impact on regulatory coherence and effectiveness.

Regulation in Developing Economies

Developing economies face distinct challenges and opportunities in regulating digital platforms. India, Brazil, and Indonesia offer illustrative case studies. India’s draft Digital Competition Bill reflects an intention to preemptively regulate dominant digital enterprises by enshrining principles of fairness, contestability, and consumer protection (Afuwape, 2024; Ларионова & Shelepov,

2024). The bill seeks to provide a legal basis for monitoring conduct such as self-preferencing and discriminatory access to marketplaces.

Brazil has also recognized the urgent need to modernize its competition laws in light of growing platform dominance. Although implementation is ongoing, regulatory debates are increasingly shaped by the experience of other jurisdictions, notably the EU, and aim to improve responsiveness to data-related market distortions (Uliondo, 2023). The emphasis in both India and Brazil is on establishing regulatory predictability while fostering innovation ecosystems.

Indonesia, as a Southeast Asian exemplar, has taken steps to broaden its digital competition framework. Government and academic stakeholders alike have underscored the necessity of data-driven approaches to identify anti-competitive behavior, particularly in e-commerce and platform-mediated services (Sukarmi et al., 2024). However, implementation hurdles remain significant. Administrative fragmentation, lack of technical expertise, and ambiguous statutory provisions often impede effective enforcement. These barriers are exacerbated by uncertainty about the trade-offs between promoting technological adoption and protecting consumer interests (Bagnoli, 2021).

Despite these challenges, there is a growing realization among policymakers in developing economies that a proactive regulatory stance is essential. However, a common constraint remains the limited infrastructural and human resource capacities required to execute sophisticated competition policy interventions. This highlights the importance of capacity-building and knowledge exchange mechanisms in global digital governance efforts.

International Policy and Global Governance

The global nature of digital markets necessitates international coordination. The literature reveals divergent philosophical and strategic approaches between developed and developing nations, particularly in forums such as the G7 and BRICS. G7 countries tend to prioritize normative frameworks grounded in democratic values, emphasizing accountability, transparency, and rule of law in digital governance (Arai, 2024; Ларионова, 2025). Their agenda includes harmonizing regulatory standards, promoting data flows with trust, and curbing digital authoritarianism.

In contrast, the BRICS bloc has adopted a more sovereignty-focused and outcome-oriented approach. Their digital governance frameworks are shaped by domestic developmental goals and geopolitical considerations. While this pragmatic stance allows for flexibility and national customization, it sometimes complicates multilateral negotiations on shared principles for platform regulation (Arai, 2024). For instance, China and Russia have advanced regulatory models that prioritize state control over cross-border data flow, diverging from liberal information regimes advocated by G7 members.

These contrasting paradigms manifest in divergent policy instruments. G7 countries often embed digital rights into trade agreements and develop binding legal instruments, while BRICS nations focus on bilateral cooperation, digital industrial policies, and capacity-building. However, there is evidence of convergence in areas such as cybersecurity, tax transparency, and cross-border e-commerce rules, suggesting potential for hybrid governance models in the future.

A major takeaway from the global governance literature is the need to balance standardization with flexibility. Overly rigid regulatory alignment risks marginalizing the specific needs of developing nations, whereas excessive fragmentation may hinder the enforceability and interoperability of digital regulation. Multistakeholder platforms and capacity-building partnerships have been proposed as mechanisms to bridge these divides, offering inclusive venues for dialogue and norm-setting.

The evolving global digital governance landscape demonstrates both the potential and limitations of current institutional arrangements. Effective governance will likely require a combination of normative leadership from established democracies and pragmatic, resource-sensitive approaches from emerging economies. Only through coordinated engagement across these different policy traditions can a truly inclusive, secure, and innovation-driven digital economy be realized.

The regulatory landscape governing digital markets has experienced a paradigmatic shift in recent years, particularly through the emergence of ex-ante regulatory mechanisms such as the Digital Markets Act (DMA). The growing consensus among scholars and policymakers underscores the superiority of preventive regulatory frameworks over traditional reactive models. Ex-ante regulation enables proactive identification of anti-competitive behaviors, which, if unchecked, can entrench market dominance and distort market dynamics (Pantelidis, 2024; Bostoen, 2023). In contrast, the ex-post approach, which initiates intervention only after harm has materialized, often proves inadequate in the fast-paced and highly concentrated digital economy (Arai, 2024; Avdasheva et al., 2022).

In jurisdictions that have adopted ex-ante tools, particularly the European Union through DMA, preliminary data demonstrates reduced acquisition aggression by dominant firms and increased adherence to fair data-sharing practices (Pantelidis, 2024; Schäfer & Wiedemann, 2025). This shift suggests that ex-ante frameworks can curtail abusive practices before they undermine market competitiveness. These mechanisms not only lower litigation costs but also promote legal certainty by setting clear obligations for dominant platforms (Šmejkal, 2023; Eckardt, 2024). The success of such regulatory models highlights the need for broader international adoption and contextual tailoring to local legal and market conditions (Sukarmi et al., 2024).

Beyond legal frameworks, systemic factors within digital ecosystems significantly reinforce platform dominance. Asymmetric information remains a core issue, as consumers are often unaware of the scope and nature of data collection, limiting their capacity to make informed choices and exposing them to exploitative practices (Mell & Shier, 2021; Blažo, 2023). This information imbalance not only affects consumer autonomy but also exacerbates the concentration of power among a handful of tech conglomerates.

Closely tied to this is the phenomenon of data-driven market power. Platforms with vast access to user data possess superior capabilities to personalize services, predict consumer behavior, and optimize user engagement. These abilities create feedback loops that fortify market dominance and marginalize competitors (Eckardt, 2024; Vandendriessche & Buts, 2024). The architecture of consumer choice further entrenches this power by manipulating user interface designs in ways that discourage platform switching, such as through default settings, dark patterns, or lack of data portability (Zhukova et al., 2021; Fletcher & Vasas, 2024). These systemic features, often

engineered to retain users, raise critical ethical and legal questions about consent, choice, and fair competition (Poščić, 2024; Witt, 2022).

To mitigate these concerns, scholars advocate for the integration of competition and data protection laws. One prominent solution is the institutionalization of fair data-sharing obligations for gatekeeper platforms, which would allow new entrants to access essential data pools under regulated conditions, thus fostering a more level playing field (Cavallaro, 2023; Wierzbicka, 2024). Moreover, enforcing the right to data portability as enshrined in the General Data Protection Regulation (GDPR) could significantly reduce switching costs for consumers, thereby encouraging market dynamism (Wierzbicka, 2024; Avdasheva et al., 2022).

Another strategic policy direction involves enhancing transparency in algorithmic processes and data utilization. Platforms should be mandated to disclose how user data influences service delivery, pricing, and personalization. This would not only empower consumers but also provide regulators with clearer oversight mechanisms (Larsson, 2021; Sukarmi et al., 2024). Transparency serves a dual function of consumer empowerment and market accountability, particularly when coupled with periodic regulatory audits and compliance assessments (Poščić, 2024; Wang et al., 2022).

The challenges in digital regulation are more pronounced in developing countries, where institutional capacities are often underdeveloped. Limited resources, legal ambiguity, and the lack of specialized expertise hinder the effective enforcement of digital competition laws (Sukarmi et al., 2024). Moreover, many of these jurisdictions rely on outdated legal instruments that were not designed for the complexities of data-driven markets. This creates regulatory blind spots and impedes timely intervention against monopolistic behavior (Bagnoli, 2021).

Nonetheless, some developing nations have embarked on promising regulatory reforms. India's draft digital competition bill and Brazil's policy discussions reflect an increasing awareness of the need for robust and context-specific regulatory frameworks (Afuwape, 2024; Uliondo, 2023). Indonesia, in particular, has shifted toward a data-centric regulatory approach, emphasizing tighter surveillance of digital mergers and monopolistic conduct (Sukarmi et al., 2024). However, these reforms must be accompanied by parallel investments in institutional development, legal education, and transnational collaboration to yield tangible outcomes.

At the international level, governance remains fragmented. The G7 has championed democratic norms, transparency, and human rights in shaping global digital governance (Ларионова, 2025). Their emphasis on standardized rules and cooperative enforcement reflects a vision of accountable and inclusive digital ecosystems. Conversely, the BRICS nations adopt a more pragmatic stance, prioritizing economic development, state sovereignty, and technological independence (Ларионова, 2025). These divergent approaches generate tension in multilateral negotiations and complicate efforts to establish cohesive global standards.

Such normative divergence underscores the difficulty in reconciling liberal democratic ideals with developmental imperatives. While G7-aligned states advocate for rights-based regulation and multi-stakeholder engagement, BRICS countries may prefer state-led models that concentrate control over digital infrastructure and data governance (Arai, 2024). Despite these differences, global collaboration remains essential. Shared challenges such as cross-border data flows, platform

accountability, and cyber security require harmonized solutions that respect both sovereignty and interoperability.

One viable path forward involves the formation of plurilateral agreements among like-minded states to set baseline regulatory standards, which can later evolve into more inclusive frameworks. Such arrangements would allow for experimentation and refinement, creating templates for wider adoption. In addition, capacity-building initiatives led by international organizations could help bridge the regulatory gap in the Global South, fostering mutual learning and diffusion of best practices.

While this review provides a comprehensive overview of the regulatory challenges and opportunities in digital competition law, it is not without limitations. First, the reliance on secondary literature may exclude emerging insights from unpublished or non-English sources. Second, given the rapid evolution of technology and law, some findings may become outdated as regulatory frameworks continue to adapt. Lastly, the analysis is constrained by the diversity of legal systems and economic conditions, which limits the generalizability of specific policy recommendations.

Future research should focus on empirical evaluations of regulatory impact, particularly in post-implementation assessments of DMA and analogous laws in other jurisdictions. There is also a need to explore user-centered perspectives on data governance and platform regulation, integrating interdisciplinary insights from behavioral economics, political science, and digital ethics. Ultimately, an adaptive, context-sensitive, and inclusive approach is necessary to ensure that digital competition law evolves in tandem with technological innovation and societal values.

CONCLUSION

This review contributes by demonstrating how ex-ante regulation, exemplified by the DMA, addresses structural risks of platform dominance more effectively than ex-post approaches. For policymakers, the findings highlight the need to align competition and data protection laws, particularly in developing countries with limited capacity. Theoretically, the study advances understanding of global regulatory convergence, while practically, it recommends targeted reforms and capacity-building to ensure inclusive governance. Future research should separately examine (1) empirical impacts of DMA-like measures, (2) user perspectives on data governance, and (3) the adaptation of global models in local contexts.

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