

防杜人頭帳戶



將帳戶借他人使用，
可能成爲詐欺或洗錢幫助犯！

案例

莉娜來臺擔任看護工，在臉書上認識一名自稱**JOJO**的同鄉移工，**JOJO**以尚未開通臺灣銀行帳戶且急需用錢為由，向**莉娜**借用銀行帳戶，以便讓母國家人匯款過來，等領錢後即將帳戶歸還，**莉娜**在未查證**JOJO**真實身分下，即把存摺、提款卡及密碼交給**JOJO**使用。

JOJO取得**莉娜**的存摺、提款卡及密碼後，即與詐騙集團對阿海詐騙，阿海受騙後將款項匯入**莉娜**的銀行帳戶，阿海發現受騙報警，警方循線查獲是**莉娜**提供的帳戶，**莉娜**被檢察官起訴後，遭法院認定**莉娜**提供帳戶行為成立**幫助詐欺罪**及**幫助洗錢罪**，進而判處有期徒刑2月。



解析



JOJO稱自己沒銀行帳戶可以用，要借用他人帳戶來領錢，很顯然匯入帳戶之資金來源可能是詐騙款項或不法來源



莉娜提供詐騙匯款之帳戶，即淪為詐欺集團幫手，成為詐欺或違反洗錢防制法之幫助犯！

資料來源：法務部



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Preventing dummy accounts



By allowing someone else to use your bank account you run the risk of being an accomplice to fraud or money laundering

Case

Lina came to Taiwan to work as a caregiver and met on Facebook a foreign worker who called himself **Jojo** and claimed to be a fellow countryman. During their conversations **Jojo** says that he has not yet opened a bank account in Taiwan but really needs somewhere for his family to remit money. He asks to use **Lina's** account, promising to hand it back as soon as he receives the money. **Lina**, trusting **Jojo** and never confirming his identity, hands over her bank passbook, ATM card and password.

After taking control of **Lina's** bank passbook, ATM card and password, **Jojo** and a scam gang defraud A-hai, who is tricked into remitting money to the account. On learning he has been deceived, A-hai reports the incident to the police and they find that the account belongs to **Lina**. After **Lina** is indicted by prosecutors the court finds that by letting others use her account she is guilty of **aiding and abetting fraud** and **money laundering** and sentences her to 2 months in jail.



Analysis



Jojo claims to not have his own bank account and asks to use someone else's account to receive and withdraw money. In such a situation, it is highly likely any remittances are the product of fraud or other illegal activities.



By providing an account that was used to receive remittances from fraudulent activities **Lina** is legally an accomplice of the scam gang and guilty of aiding and abetting fraud and violations of the Money laundering Prevention Act.

Source: Ministry of Justice



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Pencegahan Rekening Penipuan



Meminjamkan rekening Anda kepada orang lain berpotensi menjadikan Anda sebagai kaki tangan sindikat penipuan atau pencucian uang!

Contoh Kasus

Lina datang ke Taiwan untuk bekerja sebagai perawat. Melalui Facebook, dia bertemu dengan pekerja migran sekampung yang mengaku bernama **JOJO**. **JOJO** mengatakan bahwa dia belum memiliki rekening bank di Taiwan dan sangat membutuhkan uang, sehingga meminta **Lina** untuk meminjamkan rekeningnya agar keluarganya di kampung halaman bisa mentransfer uang ke Taiwan. Rekening **Lina** akan dikembalikan setelah **JOJO** menerima uang. Tanpa memverifikasi identitas asli **JOJO**, **Lina** memberikannya buku tabungan, kartu ATM, dan kata sandi untuk digunakan oleh **JOJO**.

Setelah mendapatkan buku tabungan, kartu ATM dan kata sandi milik **Lina**, **JOJO** bersama dengan sindikat penipuan menipu seorang yang bernama Ahai. Ahai lalu mentransfer uang ke rekening **Lina**. Ketika Ahai menyadari bahwa dia telah ditipu dan melapor ke polisi, penyelidikan pun mengarah ke rekening **Lina**. **Lina** kemudian dituntut oleh jaksa dan diadili di pengadilan. Pengadilan memutuskan bahwa tindakan **Lina** memberikan akses ke rekeningnya, merupakan tindakan membantu kejahatan penipuan dan membantu pencucian uang. **Lina** pun dijatuhi hukuman penjara selama 2 bulan.



Penjelasan

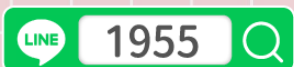


JOJO mengklaim bahwa dia tidak memiliki rekening bank, dan hendak meminjam akun orang lain untuk menerima pengiriman uang. Sangat jelas bahwa dana yang ditransfer ke rekening tersebut kemungkinan berasal dari hasil penipuan atau sumber ilegal



Dengan memberikan akses rekeningnya untuk transfer hasil penipuan, **Lina** telah menjadi bagian dari sindikat penipuan. **Lina** juga menjadi kaki tangan pelaku aksi penipuan dan melanggar Undang-Undang Pencegahan Pencucian Uang!

Sumber: Kementerian Kehakiman



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Ngăn chặn tài khoản ngân hàng không chính chủ



Cho người khác sử dụng tài khoản của mình, có thể sẽ trở thành kẻ hỗ trợ gian lận hoặc rửa tiền!

Tình huống

Lina đến Đài Loan làm điều dưỡng, làm quen một người lao động nhập cư cùng quê tự xưng là **JOJO** trên Facebook. **JOJO** dùng lý do là cô ta chưa mở tài khoản ngân hàng ở Đài Loan và đang cần tiền gấp nên mượn tài khoản ngân hàng của **Lina**, để tiện cho người thân ở quê nhà chuyển tiền cho cô, đợi nhận được tiền sẽ trả lại tài khoản. Không xác minh danh tính thực sự của **JOJO**, **Lina** đã giao sổ ngân hàng, thẻ ATM và mật khẩu cho **JOJO** sử dụng.

Sau khi **JOJO** lấy được sổ ngân hàng, thẻ ATM và mật khẩu của **Lina**, liền lập tức cùng nhóm lừa đảo lừa gạt anh Hải. Sau khi lừa anh Hải, số tiền đó đã chuyển tiền vào tài khoản ngân hàng của **Lina**. Anh Hải phát hiện mình bị lừa và báo cảnh sát. Cảnh sát lần theo manh mối và tìm ra tài khoản do **Lina** cung cấp. Sau khi **Lina** bị công tố truy tố, tòa án xác định hành vi cung cấp tài khoản của **Lina** đã cấu thành tội hỗ trợ lừa đảo và hỗ trợ rửa tiền nên kết án 2 tháng tù.



Phân tích



JOJO cho biết, cô không có tài khoản ngân hàng để sử dụng và phải mượn tài khoản của người khác để nhận tiền. Rõ ràng, nguồn tiền chuyển vào tài khoản có thể là khoản tiền lừa đảo hoặc bất hợp pháp.



Lina cung cấp tài khoản để chuyển tiền lừa đảo, tức là đã trở thành kẻ giúp đỡ nhóm lừa đảo, trở thành đồng phạm lừa đảo hoặc vi phạm luật phòng chống rửa tiền!

Nguồn: Bộ Tư pháp



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ป้องกันบัญชีม้า



ให้ผู้อื่นยืมบัญชีธนาคาร อาจกลายเป็น
ผู้สมรู้ร่วมคิดกระทำผิดฐานฉ้อโกงและฟอกเงิน

กรณีศึกษา

ลีน่ามาทำงานเป็นผู้อนุบาลในไต้หวัน รู้จักกับคนที่ชื่อ JOJO ซึ่งเป็นแรงงานที่มาจากประเทศเดียวกันกับเธอบนเฟซบุ๊ก JOJO ใช้ข้ออ้างว่าเธอต้องการใช้เงินด่วน แต่เนื่องจากยังไม่ได้เปิดบัญชีธนาคารในไต้หวัน เธอจึงขอยืมบัญชีธนาคารของลีน่าไปใช้ก่อน เพื่อให้ญาติจากประเทศบ้านเกิดของเธอโอนเงินมาให้เธอได้สะดวก เมื่อได้รับเงินแล้วจะคืนบัญชีให้ ลีน่าจึงมอบสมุดบัญชีธนาคาร บัตรเอทีเอ็มและรหัสผ่านให้ JOJO นำไปใช้ โดยที่ไม่ได้ตรวจสอบตัวตนของ JOJO อย่างละเอียด

หลังจากที่ JOJO ได้บัญชีธนาคาร บัตรเอทีเอ็มและรหัสผ่านของลีน่า เธอได้ร่วมมือกับแก๊งมิจฉาซีพหลอกให้อาไท่โอนเงินเข้าบัญชีของลีน่า เมื่ออาไท่พบว่าถูกหลอก จึงเข้าแจ้งความกับตำรวจ ตำรวจสืบหาเบาะแสจนพบว่าบัญชีดังกล่าวเป็นบัญชีธนาคารของลีน่า ลีน่าจึงถูกอัยการสั่งฟ้อง ภายหลังศาลพิพากษาว่า ลีน่ายอมให้คนอื่นใช้บัญชีธนาคารของตน พฤติกรรมดังกล่าวถือเป็นความผิดฐานให้ความช่วยเหลือการฉ้อโกงและให้ความช่วยเหลือขบวนการฟอกเงิน จึงถูกตัดสินจำคุก 2 เดือน



วิเคราะห์



JOJO อ้างว่าเธอไม่มีบัญชีธนาคารใช้ จึงขอยืมบัญชีของคนอื่นเพื่อรับเงิน เงินที่โอนเข้าบัญชี จึงมีความเป็นไปได้สูงว่าอาจมาจากการฉ้อโกงหรือกิจกรรมผิดกฎหมาย



ลีน่า ให้มิจฉาซีพเอาบัญชีธนาคารไปใช้ กลายเป็นผู้สมรู้ร่วมคิดแก๊งมิจฉาซีพ มีความผิดฐานให้ความช่วยเหลือการฉ้อโกงและขบวนการฟอกเงิน!

ที่มา: กระทรวงยุติธรรม



1955



1955hotline



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Prebensyon sa mga Pekeng Account



Ang pagpapahiram sa iba ng sariling account ay maaaring maturing na kasabwat sa panloloko o sa money laundering!

Halimbawa

Si **Lina** ay dumating sa Taiwan upang magtrabaho bilang isang caregiver. Mayroon siyang nakilala sa Facebook na isang kababayang nagngangalang **JOJO**. Humiram si **JOJO** ng bank account kay **Lina** upang magpadala ng pera sa kadahilangang wala pa itong sariling account sa Taiwan at nangangailangan ang pamilya nito ng pera. Matapos magpadala ay ibabalik dapat ang account kay **Lina**. Ibinigay ni **Lina** ang kanyang passbook, ATM card, at password kay **JOJO** upang gamitin kahit hindi pa nabeberipika ni **Lina** ang pagkatao nito.

Matapos makuha ang passbook, ATM card, at password ni **Lina**, niloko ni **JOJO** at ng iba pang kasabwat na scammer nito si Ahai. Matapos malinlang, inilipat ni Ahai ang pera sa bank account ni **Lina**. Nalaman ni Ahai na siya ay niloko at ini-ulat ito sa mga pulis. Matapos imbestigahan ay nalamang kay **Lina** ang account. Nahatulan si **Lina** sa hukuman dahil ang pagpapahiram nito ng account ay itinuturing na pagiging kasabwat sa salang panlilinlang at money laundering kung saan siya ay napatawan ng dalawang buwan na pagkakakulong.



Resolusyon



Sinabi ni **JOJO** na wala itong sariling bank account at kinakailangang humiram sa iba upang makatanggap ng pera. Mahahalatang ang pinanggalingan ng perang inilipat ay maaaring nanggaling sa panloloko o sa mga ilegal na pamamaraan.



Sa pagpapahiram sa mga scammer ng bank account, si **Lina** ay naturing kasabwat ng mga ito sa panloloko o sa paglabag sa mga batas kontra sa money laundering prevention.

Pinanggalingan ng Impormasyon: Legal Department



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