



防杜人頭帳戶

小心!人頭帳戶是詐騙集團用來收取犯罪所得的工具!

案例

阿大來臺在工廠擔任作業員，申辦銀行帳戶作為薪資匯款用。工作6年後，在返回母國前，將帳戶存款提領至餘額僅剩56元後，心想已不會再使用該帳戶，即將該帳戶提款卡及密碼交付給他人使用，隨即在109年1月8日出境返回母國。

詐騙集團成員在取得阿大的帳戶後，要求被害人小明將款項匯至阿大的帳戶內。不知情的阿大於111年4月6日再次入境我國，即遭起訴，法院並判決阿大成立**幫助詐欺罪**及**幫助洗錢罪**。



解析

- 詐欺集團成員可持阿大的提款卡提領詐騙款項，製造金流斷點，造成無從追查或追查困難。而阿大在回國前將帳戶內款項提領到餘額僅有56元，更讓法院認定這樣的行為符合在**幫助詐欺取財**。
- 提供詐騙匯款之帳戶，將淪為詐欺集團幫手，**觸犯刑法幫助詐欺罪及洗錢防制法幫助洗錢罪!**

資料來源：法務部



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Preventing dummy accounts

Beware! Dummy accounts are a tool used by scam gangs to collect income made from illegal activities

Case

Ada came to Taiwan to work as an operator in a factory and applied to open a bank account into which his salary was remitted. After six years and before returning to his home country, Ada withdrew all his savings and with only NT\$56 left in the account gave the bank passbook, ATM card and password to someone else to use. On January 8, 2020, Ada left Taiwan and returned home.

After a scam gang member takes control of Ada's bank account, he tells victim Hsiao-ming to remit money to the account. Knowing nothing of this Ada returns to Taiwan on April 6, 2022 and is immediately indicted and found guilty by a court of **aiding and abetting fraud** and **money laundering**.



Analysis

- Members of a scam gang are able to use Ada's ATM card to withdraw money made from their illegal scams, creating a cash flow breakpoint that makes it difficult if not impossible to trace. Moreover, the fact that Ada withdrew all but NT\$56 from his account before leaving Taiwan leads the court to conclude that his behavior constitutes aiding and abetting the **fraudulent acquisition of money or goods**.
- Anyone who provides a bank account into which fraudulently obtained funds can be remitted is an accomplice to fraud and guilty of **aiding and abetting fraud** and **money laundering in violation of the Money laundering Prevention Act**.

Source: Ministry of Justice



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Pencegahan Rekening Penipuan

Waspada! Rekening palsu adalah alat yang digunakan oleh sindikat penipuan untuk menerima hasil kejahatan!

Contoh Kasus

Ata datang ke Taiwan dan bekerja di pabrik. Dia membuka rekening bank untuk menerima gajinya. Setelah bekerja selama 6 tahun dan sebelum kembali ke negaranya, Ata menarik semua uangnya dengan menyalakan saldo hanya NT\$ 56. Ata beranggapan bahwa ia tidak akan lagi menggunakan rekening bank tersebut, dia lalu memberikan kartu ATM dan kata sandinya kepada orang lain, dan kemudian pulang ke negaranya pada tanggal 8 Januari 2020.

Setelah memperoleh rekening Ata, anggota sindikat penipuan meminta korban, Xiao Ming, untuk mentransfer uang ke akun tersebut. Tidak mengetahui apa yang terjadi, Ata kemudian kembali ke Taiwan pada tanggal 6 April 2022 dan langsung dituntut. Pihak pengadilan memutuskan bahwa Ata telah **membantu kejahatan penipuan** dan **membantu pencucian uang**.



Penjelasan:

- Sindikat penipuan menarik uang hasil penipuan dengan menggunakan kartu ATM milik Ata, lalu memutuskan aliran dana yang ada, sehingga tidak dapat atau sulit untuk dilacak. Sebelum kembali ke negaranya, Ata menarik seluruh tabungannya dan hanya tersisa saldo NT\$56, karena itu pihak pengadilan memutuskan bahwa tindakan Ata sesuai dengan aksi **membantu sindikat penipuan**.
- Memberikan rekening untuk mentransfer uang hasil penipuan akan menjadikan Anda sebagai anggota sindikat penipuan. **Membantu kejahatan penipuan dapat melanggar hukum pidana, dan membantu pencucian uang dapat melanggar Undang-Undang Pencegahan Pencucian Uang!**

Sumber: Kementerian Kehakiman



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Ngăn chặn tài khoản ngân hàng không chính chủ

Hãy cẩn thận! Tài khoản ngân hàng không chính chủ là công cụ được các băng nhóm lừa đảo sử dụng để nhận tiền lừa đảo.

Tình huống

Anh Đại đến Đài Loan làm công nhân nhà máy, anh mở tài khoản ngân hàng để nhận lương. Sau 6 năm làm việc, trước khi về nước, anh rút hết tiền chỉ còn lại 56 Đài tệ, anh nghĩ rằng mình sẽ không bao giờ sử dụng tài khoản này nữa nên đã đưa thẻ ATM và mật khẩu tài khoản cho người khác sử dụng, sau đó về nước vào ngày 8/1/2020.

Sau khi có được tài khoản của anh Đại, thành viên trong nhóm lừa đảo đã yêu cầu nạn nhân Tiểu Minh chuyển tiền vào tài khoản của anh Đại. Anh Đại không hề hay biết chuyện này và tái nhập cảnh Đài Loan vào ngày 6/4/2022, anh lập tức bị truy tố, tòa án cũng kết án anh Đại về **tội hỗ trợ lừa đảo** và **hỗ trợ rửa tiền**.



Phân tích

- Thành viên trong nhóm lừa đảo sử dụng thẻ ATM của anh Đại đã rút khoản tiền lừa đảo, tạo ra điểm đứt gãy dòng tiền, khiến việc truy tìm khó khăn hoặc không thể truy tìm. Còn anh Đại, trước khi về nước đã rút hết tiền trong tài khoản của mình chỉ để lại số dư 56 Đài tệ, điều này càng khiến cho tòa án xác định rằng, hành vi đó là đang **giúp rửa tiền**.
- Cung cấp tài khoản ngân hàng để lừa đảo chuyển tiền sẽ trở thành kẻ giúp đỡ băng nhóm lừa đảo, **vi phạm Luật hình sự vì hỗ trợ lừa đảo và Luật phòng chống rửa tiền vì hỗ trợ rửa tiền**.

Nguồn: Bộ Tư pháp



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ป้องกันบัญชีม้า

ระวัง! บัญชีม้าคือช่องทางในการรับเงินที่แก๊งมิจฉาชีพได้มาจากการก่ออาชญากรรม!

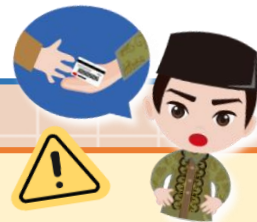
กรณีศึกษา

อาต้าเข้ามาทำงานในไต้หวันในภาคการผลิต ได้เปิดบัญชีธนาคารเพื่อรับเงินเดือน หลังจากทำงานมาได้ 6 ปี ก่อนกลับประเทศ ได้ถอนเงินออกจากบัญชีโดยเหลือเงินไว้เพียง 56 เหรียญไต้หวัน เขาคิดว่าตนเองจะไม่ใช้บัญชีนี้อีกแล้ว จึงมอบบัตรเอทีเอ็มและรหัสผ่านของบัญชีธนาคารเล่มนั้นให้กับผู้อื่น จากนั้นได้เดินทางกลับภูมิลำเนาในวันที่ 8 มกราคม 2020

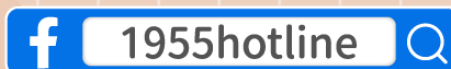
หลังจากที่แก๊งมิจฉาชีพได้บัญชีของอาต้า ได้ทำการลอกให้เหยื่อโอนเงินเข้าบัญชีของอาต้า อาต้าที่ไม่รู้เรื่องได้กลับเข้าไต้หวันอีกครั้งในวันที่ 6 เมษายน 2022 จึงถูกสั่งฟ้องและดำเนินคดี โดยศาลตัดสินว่า อาต้ามีความผิดฐานให้ความช่วยเหลือแก๊งมิจฉาชีพและความผิดฐานช่วยฟอกเงิน

วิเคราะห์

- แก๊งมิจฉาชีพสามารถใช้บัตรเอทีเอ็มของอาต้าถอนเงินในบัญชี ทำให้เส้นทางการเงินยากต่อการตรวจสอบ ส่วนอาต้าที่ถอนเงินออกจากบัญชีก่อนกลับประเทศโดยเหลือเงินในบัญชีไว้เพียง 56 เหรียญไต้หวัน พฤติกรรมดังกล่าวถูกศาลตัดสินว่าสอดคล้องกับการสนับสนุนให้มิจฉาชีพกระทำการฉ้อโกง
- การยินยอมให้มิจฉาชีพเอาบัญชีธนาคารไปใช้ อาจกลายเป็นผู้สมรู้ร่วมคิด มีความผิดฐานให้ความช่วยเหลือมิจฉาชีพและให้ความช่วยเหลือขบวนการฟอกเงินตามกฎหมายป้องกันการฟอกเงิน!



ที่มา:กระทรวงยุติธรรม



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Prebensyon sa mga Pekeng Account

Mag-ingat! Ang mga pekeng account ay ginagamit ng mga scammer upang makakuha ng pera!

Halimbawa

Si Ah Da ay dumating sa Taiwan upang magtrabaho sa isang pabrika at nag-apply ito ng isang bank account para sa kanyang sweldo. Matapos magtrabaho ng 6 na taon at bago bumalik ng bansa, ini-withdraw nito ang laman ng bank account hanggang sa NTD56 nalang ang laman nito. Sa akalang hindi na nito gagamitin muli ang account, ibinigay nito sa iba ang ATM card at password nito. Umuwi siya sa sarili nitong bansa noong ika-8 ng Enero 2022.

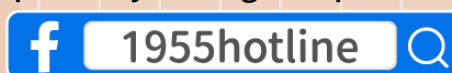
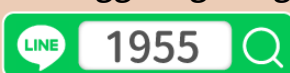
Matapos makuha ang account ni Ah Da, ipinadala ng mga miyembro ng sindikato sa biktimang si Xiao Ming ang pera sa account ni Ah Da. Nang hindi inaasahan ay bumalik ng Taiwan si Ah Da noon ika-6 ng Abril 2011 at agaran itong nahatulan. Si Ah Da ay nahatulan ng hukumang kasabwat sa **panloloko** at sa **money laundering**.

Analysis

- Ginamit ng mga scammer ang ATM card ni Ah Da upang kunin ang pera na nagresulta sa pagkasira ng daloy ng pera kung saan hindi na malaman ang pinangglingan nito. Bago umuwi sa sarili nitong bansa, ini-withdraw ni Ah Da ang pera sa kanyang account hanggang NTD56 nalang ang natira. Nang dahil dito, napagdesisyunan ng korte na ang kanyang kilos ay maituturing **pagtulong sa pagkamit ng pera sa pamamagitan ng panloloko**.
- Ikaw ay maituturing na kasabwat kung ipinagamit mo ang account sa mga scammer. **Ito ay isang paglabag sa Criminal Code dahil sa pagtulong sa panloloko at sa Money Laundering Prevention Act nang dahil sa pagtulong sa pag-money laundering.**



Pinanggalingan ng Impormasyon: Legal Department



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