



Preventing nominee accounts

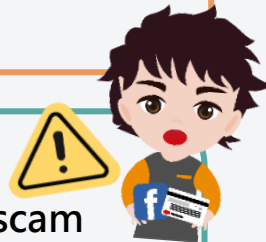
Lending your bank account to someone to use could result in you being an accomplice to a **scam** or **money laundering**.

Case

Philippine national **Jerry** met scam gang member **Jimmy** on Facebook and was persuaded to let Jimmy use his bank account from which he periodically withdrew money remitted by the scam gang and handed it to **Jimmy**.

Jimmy defrauded **Shu-chen**, asking her to remit money to him on multiple occasions for bogus reasons. When **Shu-chen** realized she had been tricked she reported the matter to the police and their investigation discovered that the money had been remitted to **Jerry's** account. After **Jerry** was indicted by prosecutors, the court confirmed he allowed his account to be used by other parties and also withdrew the stolen money, making him **an accomplice to fraud and money laundering**. As a result, the court sentenced **Jerry** to three months in prison and fined him NT\$30,000.

Analysis



- By withdrawing the stolen money from his account for the scam gang, **Jerry** created a cash flow breakpoint making the case impossible or extremely difficult to investigate. In addition, helping to withdraw money made by defrauding people from the account was determined by the court to constitute **the crime of obtaining money or goods by false pretences**.
- If a foreign worker employed in Taiwan is found to have lent a bank account used in the commission of fraud that makes them **an accomplice to fraud and is a violation of Money laundering Control Act**. The Ministry of Labor will revoke their employment permit and order them to leave the country within a fixed period of time, thereby impacting the right to work in Taiwan.





Pencegahan Rekening Penipuan

Meminjamkan rekening bank kepada orang lain, mungkin akan menjadi **penipuan** atau **membantu pencucian uang**

Kasus

Jerry berasal dari Filipina, melalui FB mengenal **Jimmy** yang adalah seorang anggota sindikat penipuan, kemudian Jerry memberikan rekening bank pribadinya untuk digunakan sebagai rekening penipuan dan berkoordinasi dengan mengambil dan menyerahkan uang tersebut kepada **Jimmy**.

Jimmy menipu **Shu Zhen**, dengan berbagai alasan meminta **Shu Zhen** mentransferkan uang beberapa kali. Akhirnya **Shu Zhen** menyadari bahwa ia telah tertipu dan melaporkan ke polisi, pihak kepolisian melacak dan mendapati bahwa rekening bank tersebut diberikan oleh **Jerry**. Setelah **Jerry** diadili Jaksa, pengadilan memutuskan bahwa tindakan **Jerry** dengan memberikan rekening bank dan perbuatan membantu pengambilan uang hasil curian merupakan **tindakan pidana membantu penipuan** dan **tindakan pidana pencucian uang**, dan akan dijatuhi hukuman penjara 3 bulan dengan denda sebesar NT\$30.000.

Penjelasan



- **Jerry** berkoordinasi dengan sindikat penipuan menarik uang hasil penipuan, menimbulkan gangguan arus uang, membuat tidak dapat terlacak atau mempersulit pelacakan, serta membantu pengambilan uang hasil penipuan. Pengadilan memutuskan bahwa perilaku ini sebagai tindakan pidana mendapatkan **harta kekayaan dengan cara penipuan**.
- Pekerja Migran yang bekerja di Taiwan, jika memberikan rekening banknya untuk penipuan maka akan menjadi kaki tangan sindikat penipuan, **melanggar hukum pidana membantu penipuan dan hukum pencegahan pencucian uang**, Kementerian Ketenagakerjaan akan mencabut izin kerja dan memerintahkan untuk kembali ke negara asal, yang mana ini akan berdampak pada hak bekerja di Taiwan



Ngăn chặn tài khoản ngân hàng không chính chủ

Cho người khác mượn số tài khoản của bạn, có thể sẽ trở thành **kẻ lừa đảo** hoặc **hỗ trợ rửa tiền**.

Trường hợp

Jerry, người Philippines và **Jimmy**, một thành viên của nhóm lừa đảo, quen nhau trên trang Facebook, anh ta cung cấp tài khoản ngân hàng cá nhân của mình và phối hợp rút tiền cho **Jimmy**.

Jimmy lừa gạt **Thục Trân**, yêu cầu **Thục Trân** chuyển tiền nhiều lần với nhiều lý do khác nhau. **Thục Trân** phát hiện mình đã bị lừa nên báo cảnh sát. Cảnh sát lần theo manh mối và phát hiện ra rằng, tài khoản là do **Jerry** cung cấp. Sau khi **Jerry** bị công tố viên khởi tố, Tòa án xác định **Jerry** đã cung cấp tài khoản và có hành vi hỗ trợ nhận tiền trộm cắp bị nên đã kết tội **hỗ trợ lừa đảo** và **hỗ trợ rửa tiền**, đồng thời bị kết án 3 tháng tù giam và bị phạt 30.000 Đài tệ.

Phân tích



- **Jerry** đã hợp tác với nhóm lừa đảo để rút số tiền lừa đảo, tạo ra điểm đứt gãy dòng tiền, khiến cho việc truy tìm gặp phải khó khăn, đồng thời hỗ trợ rút số tiền trộm cắp có được từ hành vi lừa đảo, tòa án xác định hành vi **đó phù hợp với tội lừa đảo chiếm đoạt tài sản**.
- Nếu lao động nhập cư làm việc tại Đài Loan cung cấp tài khoản chuyển tiền gian lận, người đó sẽ trở thành đồng phạm của băng nhóm lừa đảo, vi phạm luật hình sự về **hỗ trợ gian lận** và **luật phòng chống rửa tiền**, Bộ Lao động sẽ hủy bỏ giấy phép lao động và yêu cầu trục xuất người lao động, ảnh hưởng đến quyền làm việc tại Đài Loan.



สกัดกันบัญชีม้า

ให้คนอื่นยืมใช้บัญชีธนาคาร

อาจกลายเป็นผู้สมรู้ร่วมคิดกระทำการฉ้อโกงหรือฟอกเงิน!

ตัวอย่าง

เจอร์รี่เป็นชาวฟิลิปปินส์ รู้จักกับจิมมี่ซึ่งเป็นสมาชิกแก๊งคอลเซ็นเตอร์ผ่านทางเฟซบุ๊ก ได้นำบัญชีธนาคารของตนเองให้จิมมี่ใช้เป็นบัญชีม้าและยังช่วยเบิกเงินออกมาให้จิมมี่ด้วย

จิมมี่ได้ทำการหลอกลวงสุเงินโดยอ้างเหตุผลต่าง ๆ นานาเพื่อให้สุเงินโอนเงินให้หลายครั้ง ต่อมาสุเงินพบว่าตนถูกหลอกจึงแจ้งตำรวจ จากการตรวจสอบของตำรวจพบว่าเจอร์รี่เป็นเจ้าของบัญชีธนาคาร เจอร์รี่จึงถูกอัยการสั่งฟ้อง ศาลพิพากษาว่าเจอร์รี่เป็นผู้เสนอให้ใช้บัญชีธนาคารของตนเองและยังช่วยเบิกเงินที่ได้จากการหลอกลวงออกมาด้วย ถือว่ามีความผิดฐานสมรู้ร่วมคิดกระทำการฉ้อโกงและฟอกเงิน ถูกตัดสินให้จำคุกเป็นเวลา 3 เดือนและปรับ 30,000 เหยียดูได้หวั่น



คำอธิบาย

- เจอร์รี่ให้ความร่วมมือกับแก๊งคอลเซ็นเตอร์ช่วยเบิกเงินเพื่อตัดเส้นทางการเงินทำให้ไม่สามารถติดตามหรือ ตรวจสอบลำบาก ศาลเห็นว่าการช่วยเบิกเงินที่ได้จากการหลอกลวงถือว่ามีความผิดฐานฉ้อโกง
- แรงงานต่างชาติที่ทำงานในไต้หวัน หากนำบัญชีธนาคารให้ผู้อื่นใช้เป็นบัญชีม้าจะกลายเป็นผู้สมรู้ร่วมคิดแก๊งคอลเซ็นเตอร์ ถือเป็นการละเมิดกฎหมายอาญาฐานสมรู้ร่วมคิดกระทำการฉ้อโกงและกฎหมายป้องกันการฟอกเงิน กระทรวงแรงงานจะเพิกถอนใบอนุญาตทำงานและมีคำสั่งให้เดินทางกลับประเทศภายในเวลาที่กำหนด ซึ่งจะส่งผลกระทบต่อสิทธิประโยชน์การทำงานในไต้หวัน



Prebensyon sa mga Pekeng Account

Ang pagpapahiram ng sariling account upang magamit ng iba ay maaaring maging **manloloko** o **katulong sa money laundering!**

Halimbawa

Nakilala ni **Jerry**, isang Pilipino, ang isang miyembro ng sindikatong nanloloko na si **Jimmy**. Ipinagamit nito ang sariling account at tumulong sa pag-withdraw ng pera para kay **Jimmy**.

Niloko ni **Jimmy** si **Shuzhen** at gamit ang iba' t ibang rason ay hiniling nitong magpadala ng pera si **Shuzhen**. Nalaman ni **Shuzhen** na siya ay naloko at iniulat ito sa mga pulis. Sinundan ng mga pulis ang mga bakas at nalamang ang account ay ibinigay ni **Jerry**. Matapos idemanda si Jerry, nasigurong pinagamit ni **Jerry** ang kanyang account. Ang pagtulong sa pagtanggap ng mga nakaw na pera ay itinuturing na nagkasala sa **pagtulong manloko** at sa **money laundering** kung kaya siya ay nahatulan ng 3 buwang pagkakabilanggo at namultahan ng NT\$30,000.



Resolusyon

- Nakipagtulungan si **Jerry** sa mga manloloko at ini-withdraw ang mga pondo mula sa panloloko. Lumikha ito ng isang butas sa daloy ng pera at nang dahil dito ay naging imposible o mahirap nang matunton ito. Kinilala ng korte na ito ay pareho sa **krimen ng pagkuha ng pagmamay-ari ng iba sa pamamagitan ng panloloko**.
- Kung ang migranteng manggagawa sa Taiwan ay nagbigay ng account para sa panlilinlang ng kapwa, siya ay **ituturing na kasabwat ng mga sindikato at manloloko at lumalabag sa Batas Kriminal na pagtulong sa panloloko at sa Money Laundering Prevention Act**. Babawiin ng Ministry of Labor ang kanyang employment permit at uutusan siyang bumalik sa kanyang sariling bansa at maaapektuhan ang kanyang karapatang magtrabaho sa Taiwan.

