

Cybercrime over Internet Love Scams in Malaysia: A Discussion on the Theoretical Perspectives, Connecting Factors and Keys to the Problem

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Received: July 10, 2014 Accepted: August 2, 2014 Published: January 1, 2015

doi:10.5296/jmr.v7i2.6938

URL: <http://dx.doi.org/10.5296/jmr.v7i2.6938>

Abstract

Increasing cybercrime cases related to the Internet has alert the authority bodies of the country to investigate the causes and actions that need to be taken. Malaysia as a developing country that looking towards advancement of ICT usage in various sectors need to take firm and strategic actions to overcome cybercrime particularly love scams that affect the development of wise generation and degradation of economic growth. There is also a need to take further look into this matter from the ethical point of views. Perhaps, holistic views of the problem causes and solution can be highlighted. Thus this paper will discuss on the theoretical perspectives based on Kantianism, Social Contract Theory, Rule and Act Utilitarianism. Some possible causes to the problem were also identified including from the weaknesses of the victims or advancement of ICT usage itself. In the end, proactive solutions are proposed to deal with the issue involving cooperation from the individual internet users also the authority departments in the countries involved.

Keywords: Cybercrime, Internet love scam, Theoretical perspectives, Connecting factors, Keys

1. Introduction

This study is scrutinizing some of cybercrime cases occurred in Malaysia and mapped it into several ethical theories. Cybercrime cases had growth and keep increasing not just in Malaysia but also throughout the world. In Malaysia scenario, cyber scam that fall under fraud incident has been reported as most incident happened in quarter 4 (Q4) 2013. In 2014, it seems not only increases in term of cases but also is growing quickly compared to other crime types and causing serious destruction to political, economic and social sectors (Prasad, Ibrahim & Manaf, 2014). Cybercrime was defined as insincerity of advance fee fraud schemes which use fictitious identities to approach and initiate romantic relationship with their targets with intention of defrauding them of large sum of money (Koon & Yoong, 2013). Normally, major reason to this incident happened was because of money or gain profit. This paper in detail will focus on the Internet love scam, the ethical point of view upon the whole scenario, illustrate cause of action and provide some solutions that may applicable.

There is a fact that majority people nowadays only pursuit of friendship online for about maintaining existing friendships (Cocking, Hoven & Timmermans, 2012), but there also some groups of people that believe with new 'friend' or even new 'relationship' via online without investigate further detail or at least seeing each other face to face and simply agree with certain agreement which involved money or dignity. Internet love scammers is an individual commission of intentionally is to either destroy others property, personal integrity or life or steal other people's valuable property and information (Mohamed, 2012). The mode of operations of scammers usually involved using fictitious identification, befriend with lonely and desperate of love's women and become their fake lover. Then, by the time trust had been obtained in the relationship the love scammer start using thousands of reasons to make the victim transfer their money to the love scammer bank account. This transaction may occur several times to the victim until they felt suspicious or felt that was not the true love relationship. Koon and Yoong (2013) agreed the reason why most victim fall under this incident until lost a thousand ringgit or even more due to the characteristic of internet love scammers which shown a good sense, character and will. Getting to know the personality of scammers, most of them were using fake identity (Rege, 2009; Ephraim, 2013; Koon & Yoong, 2013). Koon and Yoong (2013) also added most of them substituted a western identity to attract Asian victim and vice versa and them can be a male, female or youngsters too. Throughout this case study, there were less scholarly evidence that directly relate the scammers incident with the African or Nigerian, however most of arrested in Malaysia was African and them are work in team (Nawawi, 2013). Knowing more about African, most of them come to Malaysia as foreign students. (Rege, 2009) mentioned the Nigerian scammers established their own network and keep recruiting new members. Nigerian Scammers network train their members technical and social skills such as how to become sweet talker, lure whisper and boast romantic trust. Scammer network members also been thought several modus operandi or strategy and segregate their task start with collecting a thousand of email in identifying most relevant victims until they all manage to get amount of money from the victim.

2. Internet Love Scam in Malaysia

In 2012, 814 cases were reported with losses amounting to about RM33.61million, but the number of cases increased last year to 1,095 with losses totaling RM35.69 million (Nawawi, 2013). It is also reported that statistics acquired from Bukit Aman showed that in year 2013, 2,747 individuals were arrested due to fraud, which also covers crimes such as love scams. The arrests were 23.8% higher compared to 2012, where 2,219 were arrested. One case that was reported on November 21, 2012 which the victim was a bank customer services officer had lost around Ringgit Malaysia RM61,200.00 of her mother's savings to a man she befriended on Facebook. The scammer at first show the pious attitude, caring and concern just like an adorable lovers until slowly gave many reasons to make the victim felt sympathy and influence her to give money for help. The woman transferred RM47, 000.00 on March 15 and RM14, 200.00 two days later into three separate bank accounts via online banking. The bank accounts were under the name of individuals that she did not know. After receiving the money, the guy could not be contacted any more.

Another case which happened in early of this year 2014, the victim was a 27-years-old businesswoman from Terengganu who thought she had found love on the Internet. Her virtual lover told her that he had sent her a package to show his love for her. Before any package arrived, the woman received a call from someone claiming to be from the "Customs Department", who told her that the package contained about US\$500,000.00 (RM1.65mil), which was undeclared, and could only be released if she paid a sum of money. She reluctantly parted with RM6, 000.00 but no package ever arrived, and her lover then simply disappeared.

Recent incident happened in this mid-year was also shocked the whole world when Malaysia been claimed as a country that keep network of Nigerian love scam (Grudgings, 2014). It is also reported that hundreds of American women are being trapped by love scammer based in Malaysia. Most Internet love scammers which based on Malaysia also had been reported to take advantage on the advancement of Malaysia ICT infrastructure and banking system which facilitate them to use internet smoothly and make international transfer quickly via bank transaction services. All of this make them worked sophisticatedly compare than which operate in their own origin country. Malaysia aimed to become a global education hub also been said by Non-Malaysia's writers as a reason why so many fake student especially from Nigeria securing student visa but committing with several criminal and violence incident.

3. Internet Love Scam and Ethic's Theories

Let again understand the scenario of love scam, the scammers set up fake identities at online dating sites and social networking sites, using stolen photographs of attractive individuals which often of models or army officers. Then, they make contact and develop an intimate online relationship with victim. Later at some point during the worship relationship they pretend to be in urgent need of money and ask for help. After they got the money which in certain incident several transaction of money occurred until the victim felt doubtful, they will disappear with his promises. Below is the discussion of this internet love scam from some ethical theories.

3.1 Kantianism Theory

Kantian ethics is derived on what Immanuel Kant claimed is the supreme principle of morality, the Categorical Imperative (Woodard, 2013). According to Kant, there are two different but correspondent ways of defining the Categorical Imperative. The first one is the Universal Law Formula. According to the formula, we should act only on principles that we can will to be a universal law that applies to everyone (Potter, 2001). In a simpler word, an action could be moral if there is no problem if everyone is doing that action too. An example would be the robbery. What happen if everyone doing the robbery? Of course, it will create a lot of problems. For example, no one want to work hard anymore because if it moral, it is easier to rob rather than working 8 hours a day.

The second way of stating the Categorical Imperative is the Principle of Humanity. According to the principle, whenever we act we must be sure always to treat every person as ends and never as mere means (Bramer, 2008). In essence, it means that an individual should not treat other people as a bridge that are to be used to accomplish his goals. He should treat them as important as themselves. An illustration would be like this. Suppose a manager of a factory knows that in few months later, the factory will be moving somewhere. However during the current period, he really needs to hire some skilled workers to finish the remaining jobs there. However, the skilled workers are all coming from out of the state. If the soon to be hired workers know that the factory will be moving, of course they do not want to accept the offer because it will make them uncomfortable due to need to move so many times. Therefore according to the principle, the manager has the obligation to tell the truth or otherwise the action will be immoral.

Therefore from the Kant perspective, the actions of love scammers contradict with both the formula and principle of Kantianism. The modus operandi of the love scammer is by cheating the victim for their own benefit. First, we analyze from the first category which is the Universal Law Formula. What happen if the action is legalized or universalized? What happen if anyone doing the love scammer? Of course there will be a lot of problems. There will be a lot of women losing their money and hopes. And if that happen, the world become injustice. People would rather be cheating people than working 8 hours a day.

Secondly, we analyze using the second principle which is to treat both yourself and other people as ends in themselves, and never only as a means to an end. Here, the actions of love scammer really treat other people as means to an end. The cheaters use the victim to get money from them. The money is used for their wealthy. This is contradicts with the principle. The cheaters must work as hard as the victim to earn money, not to cheat their money for their own wealthy. As summarize, Kantianism really rejects this action and said as immoral. This activity cannot be accepted in the society and action needs to be taken to stop this from harming the wellbeing of the society.

3.2 Act and Rule Utilitarianism Theory

Utilitarianism is a best known and most influential moral theory. Its core idea is that whether actions are morally right or wrong depends on their effects specifically the effects of actions

that are relevant and the good and bad results that they produced. There are two types of utilitarianism which are Act utilitarianism and Rule utilitarianism. Act utilitarian focuses on the effects of individual actions ("Utilitarian approach to politics, economy," 1999). Its well-known principle which is the Principle of Utility or also known as the Greatest Happiness focuses on the consequence of an action. According to this principle, the morality of an action depends on how much happiness it created. Happiness here may include advantage, good, pleasure, benefit and many more. An action is right to the extent that it increases the total happiness of the affected parties and an action is wrong to the extent that it decreases the total happiness of the affected parties.

An example would be like this, an act utilitarian would determine if killing someone is a right action or not by determining how much happiness the killing would create. To analyze this, we can use the hedonistic calculus to calculate the all happiness that everyone affected by the action. For example, someone is killing a person which is a serial murderer. A serial murderer is known for its dangerousness. Everyone would be afraid of it. A neighborhood would be put in caution when they heard a serial murder is around their neighborhood. Therefore, if someone kills him, what would be the happiness? Of course the neighborhood; which consume a lot of happiness, the policeman; which happy that their work less burden and the killer itself will be happy because the serial murderer that bring dangerous has been eliminated. Therefore, according to the principle, the action is no wrong. However if the neighborhood seems not care for this, and the police also seems not happy because according to the law, no one can deprived other persons live, and the family of the serial murderer would be unhappy because that is the only son they have to sustain their lives, the action will be immoral.

On the other hand, another perspectives of consequentialism which is the rule utilitarianism, focus on the consequence of the rule of an action (Hamilton, 2002). Differ from the act utilitarianism, rule utilitarianism will see on the rule of an action to define whether it is moral or not. Still, the Principle of Utility is used but this time it used to justify the rule of an action. A rule is right to the extent that it increases the total happiness of the affected parties (Hamilton, 2002).

An illustration would be like this. Suppose according to the act utilitarianism, killing a serial murderer would be no wrong because it bring a lot of happiness. But the rule is clear in society. Killing is prohibited and no one would dare to kill somebody. Here, we look into the rule of killing. As the rule of state stating that killing is wrong, therefore for any reason, killing is wrong. So to analyze the situation of love scammer from first perspective which is the act utilitarianism, the action of cheating someone's money is immoral. This is calculated from total happiness it created. When the love scammer gets the money, yes he is happy. However it causes a lot of unhappiness too especially to the victim and her family. The police need to investigate the cases, the victim and its family feeling depressed and the society become scared and cautious when dealing with the love dating website. These bring more unhappiness to the affected parties.

From the second perspective which is the Rule utilitarianism, the rule stressed that the action of cheating other people is wrong. In any society, the consequence of cheating will always be

negative. No one is happy becoming a victim. Unless in the society accept cheating, therefore the result will be reverse side.

3.3 Social Contract Theory

Social Contract Theory is the view that persons' moral and/or political obligations are dependent upon a contract or agreement among them to form the society in which they live. According to the SCT, “morality consists in the set of rules governing behavior, which rational people would accept, on the condition that others accept them as well.” In definition, social contract is a voluntary agreement among individuals by which society is brought into with the right to secure mutual protection and welfare or to regulate the relations among its members (Welie, 2012).

The Social Contract Theory came in earliest history man lived in the state of nature (Jeffery, 2006). During that time, no government were existed. Each man was only as secure with his own power and mental awareness that they could make. By agreeing with one another to make a state by contract, each men surrendering personal freedom as necessary to promote the safety and well-being of all the society. By this contract, the members created a government. The social contract gives rights and responsibilities to both the citizenry and the government. An example would be in the United States, citizens yield the powers of prosecution of, and punishment for, criminal offenses to the judicial branch of government. The government, for its part, bears the responsibilities of maintaining public safety for the citizens through the police, court systems, correctional facilities, and all supporting structures.

Therefore, there comes the Social Contract Theory. To analyze the issue of love scammer from the perspective of Social Contract Theory, we need to see the activity of the action where during the course of action, the victims gives their money with the intention to help the cheaters. The victims even have the intention to get in return of what people call love. Therefore, there is the contract binding between them, although it is not sign. But for normal society, that is how it worked. People go to dating website to find love. Therefore during the course of action, they would do anything to develop the relationship and the same goes here. The victims gave the money to develop the relationship. However the final action was found to be disappointing. Cheaters ran away at the end and presumed as breaching the contract. That is why the action of love scammers is totally unacceptable.

4. Interconnecting Factors and Keys over the Issue

Through literatures, authors have identified some of the factors that may lead to this immoral activity. Some proactive measures and suggestions also were proposed as part of the strategy to prevent this issue from becoming critical.

4.1 Abusing Students' Visa

There have been some issues identified relating to the internet love scams crime by the scammers where the cases is continuously reported to be increasing. The major problem is found due to the misuse of students' pass. Investigations further revealed the scammers are

misusing their student visas to enter Malaysia and intentionally involved with internet love scams. According to the consul-general at the US Embassy in Kuala Lumpur, Tim Scherer, he was highlighted that it was likely that many of the Nigerians in Malaysia were not genuine students as their number is quite high according to the Education Ministry that is around 9,146 students currently from the total of 123,000 overseas students (Reuters, 2014). The scammers have exploited Malaysia's drive to become a global education hub by securing student visas to attend college and what is more, Malaysia has pursued a policy of attracting international students for more than a decade, allowing dozens of foreign colleges to set up Malaysian campuses (Reuters, 2014).

Although Malaysia's policy allowing international students to study at its local, it requires more than a figure to screen the activities. Overcoming the love scammer issue, The Embassy should work together and retain close collaboration with Malaysia Police and National Immigration Department on reporting the status of its students and keeping it up to date across the years. Checking regularly on their current activities and respond quickly to the complaints by local citizens scammers suspicious social-life activities can help to lessen the risk of the intended crime. Furthermore, an official Malaysia's education ministry had commented on this by highlighting in 2013 they had tightening its vetting and start to track on overseas students activities (Reuters, 2014).

4.2 The Flaws of the Banking System

Another factor that eases the occurrence of this ignominy crime is what has been highlighted as the weaknesses of the national banking system. The internet love scam crime is eased by Malaysia's advanced banking system which allows perpetrators to easily set up accounts and make international transfers (Reuters, 2014). Furthermore, assuming another person's identity is also made simpler by banks allowing people to open accounts online (Quinn, 2014). Identity theft happens when someone steals victim's personal information, such as identity card number, address, phone number or financial account information, and uses it to open up lines of credit under the victim's name. The thief can take out a mortgage, buy a car or obtain credit cards to use on a shopping spree. It is often reported where the scammer exploiting the crime with their female friends as an impostors presenting fake identities as the victims. As cybercriminals are infiltrating sensitive corporate systems and using both high- and low-tech methods for identity theft, banks are now ramping up their use of technological solutions like biometrics. The Associated Press (2014) highlighted the growing use of speaker recognition among banks to detect fraudsters and protect consumers. The software developed by anti-fraud companies can screen callers during calls to banks and match their voices to databases of potential identity thieves. These suspected criminals may contact banks posing as legitimate customers to obtain new credit cards or steal personal information. The use of voice-based biometrics is also implemented in the public sector to increase organizations' ability to prevent fraud.

4.3 Review of current Cyber Law Acts

There Internet love scams and to combat this crime requiring more efforts and handwork from all concerned parties as Malaysian police seemed to have lack of resources and

expertise to tackle the problems and have yet to launch a prosecution over the cases. Just like other countries, Malaysia also is also involved in evolution of technology. Internet has become a necessities for everybody in business, communicate socializing and many more. Despite being a positive tool for users, there are some of irresponsible people that are using internet in negative ways including web love scams and identity fraud. Therefore, Malaysian government has already taking a big step to overcome these problems by introducing several acts of law to deal the issue of cybercrimes which served as an act to provide for offences relating to the misuse of computers (The Malaysia Commissioner of Law Revision, 2006). Among the list of statutes in Malaysia regarding the Cyber law (Zulhuda, 2010); Communications and Multimedia Act 1998, Computer Crimes Act 1997, Copyright Act (Amendment) 1997, Digital Signature Act 1997, Electronic Commerce Act 2006, Electronic Government Activities Act 2007, Payment Systems Act 2003, Personal Data Protection Act 2010, Telemedicine Act 1997, Penal Code (including Chapter on terrorism & cyber-terrorism), Communications and Multimedia Content Code. There must be regular update and review of existing cyber related law acts in Malaysia as the information Communication and technology evolve rapidly year to year. Relevancy and applicability of the cyber related law act with criminal law also need to align just for ensuring further legislation order can be obtain to those guilty.

4.4 Dating-Match Websites, Online Social Networking and Chatrooms

There are abundant of dating-match websites and other social connecting mediums that would alleviate the crime such as online social chartrooms and other online networking accounts. Individual's love life is preferably dogged by a dating match sites issue that has become a trusted solution for a single woman to find their romance relationship companion merely during Valentine's season where it is the time to be on high alert for possible sweethearts' scams. Individuals that are trying to establish a relationship through online dating services and social communities are prime targets for identity thieves who know how to prey upon the vulnerabilities of those seeking relationships (Chaplin, 2013). It is strongly advised those who are seeking online romance relationship should have shielded their heart and identity from sweethearts' scammers by avoiding from divulging too much personal information at a very early stage. Results from a past survey commissioned by Protect My ID (2013) determined that a high percentage of individuals participating in online dating fail to properly scrutinize potential match prior to engaging in communication. Several precautionary steps can be taken before romance fades into financial and identity fraud; i) profiles should not disclose everything. Do not disclose personally identifiable information with a prospective dating match until there is an established level of familiarity and trust. This includes your hometown, home addresses, work specifics, phone numbers, educational background and information about children via profiles and through photo identification. Importantly not to share their banking information with anyone even your most trusted friends, ii) Ask a person to tell about him or herself then conduct a little background work on websites and see if conflicting information exists, iii) Be wary of any requests for financial loans or assistance of any kind as this has become the main excuse given by scammers by claiming they had been prevented from returning to US by Malaysian bureaucracy which

required hefty payment to returned to their original country, iv) Create the perfect password and for online dating profiles, do not use passwords that incorporate publicly known information, v) It is important to remember to always make financial decisions with head and not heart, vi) It is strongly recommended that if an individual think they have been victimized by a dating scam or any other online scam, file a complaint as soon as possible with local Internet Crime Complaint Center (if any) or to any local police nearby. In Malaysia the case will be investigated under Bukit Aman Commercial Crime Investigations Department (CCID) and, finally, due to the alarming number of American women targeted as Malaysia becomes internet scam heaven, it is advisable for web matches sites featuring prominent warnings about scammers, specifically telling users to be wary of people who say they are Americans based abroad as scammers preferably to pretend as a western man who then gets into business difficulties in Muslim-majority Malaysia.

4.5 Government's Control Issue

Despite all the connecting factors highlighted, the internet love scams perhaps is the matter of too little governmental control over the internet social networks and dating match websites. Perhaps the government might want to consider and starts to increase its control over the internet accessibility by making it virtually inaccessible. The governments of Burma, Cuba and North Korea have made it difficult for ordinary citizens to use the internet to communicate socially (Quinn, 2014) whilst China has built one of the world's most sophisticated web filtering system that could possible restricted any internationally crime incidents.

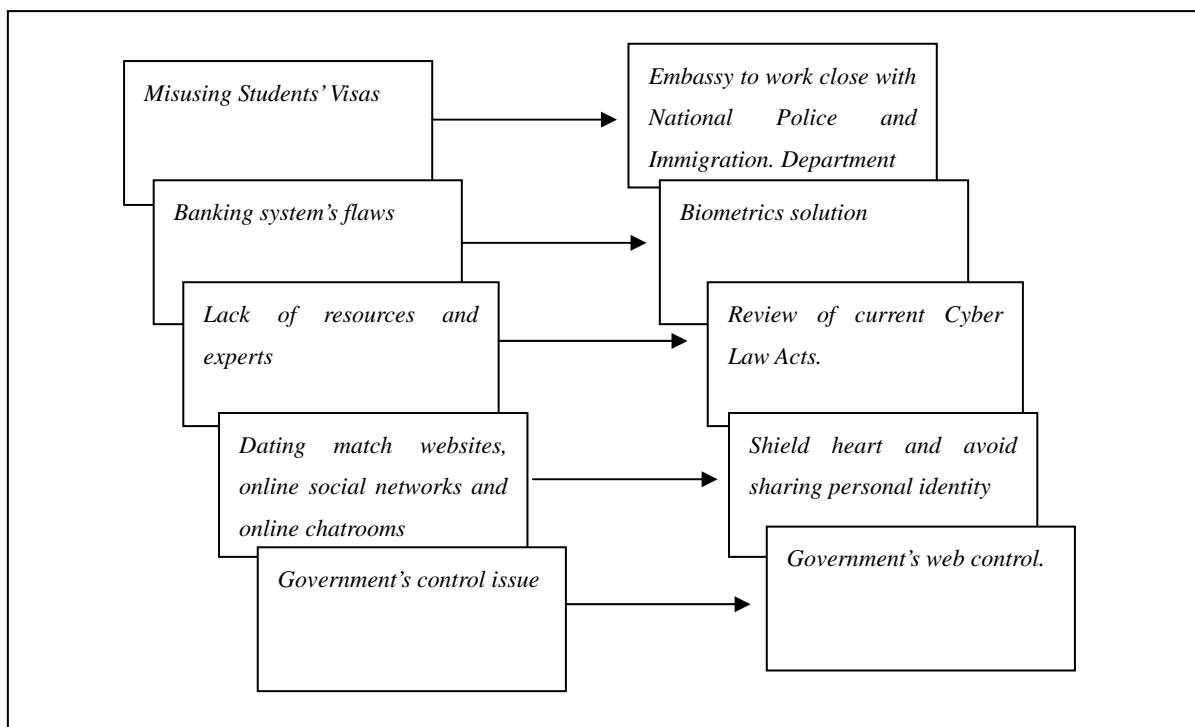


Figure 1. Summary of Interconnecting Factors and Solutions' Framework

5. Conclusion.

Overall, views from the four theories; Kantianism, Act and Rule utilitarianism, and the Social contract agreed the action of love scammers is not only breaking the law but is also morally wrong. It is important for the society to cater this issue neatly so that the harmony of the society can be sustained. Despite the challenges facing the cyber love scam activities there are still some solutions that can be suggested aimed to reduce and lessen the number of immoral activities particularly involving internet love scammers. It is crucial to have a collaborative partnership framework connecting embassies with National Police and Immigration Department to combat the misused of student visas. Biometrics solution and other anti-fraud companies' co-solutions would be best to tackle the issue of financial identity fraud where a more strict system should be imposed to secure the financial process rather than to ease the customers while neglecting the security aspect. The Cyber Law Acts comprised of several computer acts imposed strict penalizations to provide for offences relating to the misuse of computers including internet love scam activities. What is more important is for the individuals itself to equipped themselves with the knowledge that never share any of their personal information with anyone also by practicing some precautionary steps before romance fades into financial and identity fraud. Finally, perhaps the Malaysia Government would consider follow the governments of Burma, Cuba, China and North Korea that have made their internet access limited by having control over them. Although virtually inaccessible would be the major issue somehow it could offers some security condition for the benefits of the citizens.

Acknowledgement

The authors wish to thanks the Schools of Postgraduate Studies, Universiti Teknologi Malaysia for funding the participation in the conference. Special thanks also go to the family members and respective reviewers for useful comments and feedbacks.

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